



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: December 2, 2014

TITLE: QUASI-JUDICIAL – SECOND READING OF ORDINANCE – Vacation
portion of NW 2nd Avenue - Case V14006

Recommendation

It is recommended that the City Commission adopt on second reading an ordinance vacating a portion of NW 2nd Avenue in association with the construction of the proposed All Aboard Florida rail passenger station.

Background

All Aboard Florida, Operations LLC, requests to vacate a portion of NW 2nd Avenue, generally south of NW 2nd Street and north of Broward Boulevard, in order to construct a pedestrian concourse bridge as part of a proposed passenger rail station. The vacated right-of-way will contain support columns for the pedestrian concourse bridge. The Fort Lauderdale site is approximately 150,000 square feet in size and is bound by NW 2nd Street to the north, an existing office building to the south, NW 4th Avenue to the west, and the Florida East Coast Railway right-of-way to the east. A map showing the location of the proposed vacation is included as Exhibit 1.

Pursuant to Unified Land Development Regulations (ULDR) Section 47-24.6, Vacation of right-of-way, the project was reviewed by the Planning and Zoning Board (PZB) on October 15, 2014, and recommended for approval by a vote of 9-0. The applicant's narrative, PZB staff report, and PZB minutes are attached as Exhibits 2, 3 and 4 respectively. The sketch and legal are provided in the attached ordinance.

The application is subject to ULDR Section 47-24.6, Vacation of right-of-way, which includes the following criteria under subsection 4:

- a. *The right-of-way or other public place is no longer needed for public purposes; and*

Response: NW 2nd Avenue is being reconstructed and extended north by the Applicant and will continue to operate as a two-way road with

sidewalk/multi-use path as requested by planning staff and therefore, the portions of this right of way being vacated are no longer needed for public purposes.

- b. *Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and*

Response: see response to a. above.

- c. *The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and*

Response: see response to a. above.

- d. *The closure of a right-of-way shall not adversely impact pedestrian traffic; and*

Response: pedestrian traffic is being directed to the west side of NW 2nd Avenue, in conjunction with the site development and the expansion of NW 2nd Avenue between NW 2nd Street and NW 4th Street.

- e. *All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a utilities easement has been retained over the right-of-way area or portion thereof; or an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the city; or any combination of same and utilities maintenance shall not be disrupted.*

Response: Existing utilities affected by the vacation will be relocated and access to infrastructure will be maintained.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Development Review Committee and the Planning and Zoning Board and shall hear public comment on the application when determining whether the vacation request meets the criteria for vacation of right-of-way. The DRC record and recommendations are available upon request.

Should the Commission approve the proposed vacation, staff proposes the following conditions:

1. Applicant shall relocate an existing 8" water main with a new 8" DIP water main located with a minimum of 6' horizontal separation from the edge of the pedestrian bridge support column footers.
2. Applicant shall replace an existing 10" clay sewer main with a new 10" PVC pipe in the same location from exiting manhole to manhole.

3. An extension of NW 2nd Avenue from NW 2nd Street to NW 4th Street, minimum of 50 foot width, shall be dedicated to the City and the applicant shall agree to construct such dedicated right-of-way.
4. In the event the areas being vacated by this ordinance, including the air rights vacated to accommodate the pedestrian bridge, have been abandoned by All Aboard Florida, its successors and assigns, as of the 75th anniversary of the ordinance approval date, such vacated air rights and/or right of way, as applicable, shall be rededicated to the City.
5. In the event there are substantial changes to the design of the All Aboard Station that impact the location of the pedestrian bridge support columns, whereas there is an impact the minimum lowest level elevations associated with the Air Right Vacation, the ROW vacation shall be resubmitted to the City for approval.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Infrastructure Cylinder of Excellence**, specifically advancing:

- **Goal 1:** Be a pedestrian friendly, multi-modal City.
- **Objective 2:** Improve transportation options and reduce congestion by working with agency partners.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Connected*.

Resource Impact

There is no fiscal impact associated with this action.

Attachments:

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Response

Exhibit 3 – PZB Staff Report – October 15, 2014

Exhibit 4 – PZB Minutes – October 15, 2014

Exhibit 5 - Ordinance

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