



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

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

DATE: May 19, 2015

TITLE: Quasi-Judicial - Resolution Authorizing the Reconveyance of Road Right-of-Way by Quit Claim Deed – NW 7th Avenue

Recommendation

It is recommended that the City Commission adopt a resolution authorizing execution and delivery of a Quit Claim Deed reconveying lands previously dedicated by Sixth Street Corporation to the City of Fort Lauderdale along NW 7th Avenue.

Background

On April 21, 1997, Sixth Street Corporation executed and delivered a Right-Of-Way Easement Deed to the City conveying, without valuable consideration, a 10 foot wide portion of right-of-way easement along NW 7th Avenue to the City of Fort Lauderdale (see Exhibit 1). The address of the subject property is 710 NW 4th Street. The applicant, Sixth Street Corporation, is requesting the return of this portion of right-of-way via Quit Claim Deed, attached as Exhibit 2. Applicant's request is attached as Exhibit 3. Staff has determined that these portions of right-of-ways meet the requirements for reconveyance under Florida Statute § 255.22 (2014), as defined further below.

The subject lands were originally dedicated to the City of Fort Lauderdale in 1997 in association with the NW 7th/9th Connector Project, which is no longer moving forward. On August 21, 2013 the City of Fort Lauderdale issued a letter stating that the NW 7th/9th Connector Project would be terminated and the City would be moving in a new direction with a new complete streets initiative (see Exhibit 4). The complete streets project would convert portions of NW 7th Avenue and NW 9th Avenue to a complete street consisting of new sidewalks, landscaping treatments, pedestrian lighting, crosswalks and signalization. The resulting project is intended to reduce traffic congestion on Sunrise Boulevard between NW 9th Avenue and NW 7th Avenue.

In accordance with Florida Statute § 255.22 (2014), the owner of the subject affected property may request the right-of-way be returned if after 60 consecutive months the City fails to construct, improve or maintain such property. Florida Statute § 255.22 authorizes reconveyance of lands not used for the purpose specified upon satisfaction

of certain conditions. Below is a summary of those conditions which must be met in order for the City to have the authority to reconvey the lands pursuant to Florida Statutes.

1. Florida Statute § 255.22 (1), *Reconveyance of lands not used for purpose specified*, provides in pertinent part that when a party conveys real property to a municipality, without receipt of valuable consideration and the conveyance of the real property is for specified purpose or use, and, if the municipality fails to (a) use such real property for such purpose for a period of 60 consecutive months or (b) identify during the 60 month period the proposed use of such property in a comprehensive plan or other public facilities plan, then, upon written demand of the grantor, or grantor's successors in title owning such adjoining land, the municipality may execute and deliver a Quit Claim Deed to the party making such demand provided such party is the owner of land adjoining such property on at least one side.

The City of Fort Lauderdale terminated the NW 7th/9th Connector Project in 2013 in favor of a new complete streets initiative (see Exhibit 4). No improvements under the original NW 7th/9th Connector Project were implemented for the subject site; therefore, the City of Fort Lauderdale did not use the subject property for the original intended purpose and may authorize the reconveyance of road right-of-way by Quit Claim Deed.

2. Florida Statute § 255.22 (2) provides, in pertinent part, that if, in the event the purpose for which the property was conveyed required physical improvement or construction on such property, or the maintenance thereof, the municipality that fails to construct, improve or maintain such property for the 60 month period specified in subsection 1, shall be conclusively deemed to have abandoned the property for the purpose for which was conveyed, unless the proposed use of the property has been identified in a comprehensive plan or other public facilities plan of the municipality during the 60 month period.

The NW 7th/9th Connector Project is abandoned as stated in the City's letter of termination, dated August 21, 2013. This letter is attached as Exhibit 4. The proposed use of the property has not been identified in the City's Comprehensive Plan or other public facilities plan during the 60 month period.

Resource Impact

There is no fiscal impact associated with this action.

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: integrate land use and planning to create a walkable and bikeable community.

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

Related CAM: #15-0397

Attachments

Exhibit 1 - Right-of-Way Easement Deed (dated April 21, 1997)

Exhibit 2 - Quit Claim Deed

Exhibit 3 - Applicant's request

Exhibit 4 - Letter of project termination (dated August 21, 2013)

Exhibit 5 - Resolution

Prepared by: Todd Okolichany, Urban Design and Planning

Department Director: Jenni Morejon, Sustainable Development