



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

FROM: Susan Grant, Acting City Manager

DATE: January 7, 2025

TITLE: Quasi-Judicial Resolution – Approving the Vacation of a Utility Easement – Located at 901 E. Sunrise Boulevard – 901 EAST SUNRISE, LLC – Case No. UDP-EV24003 - (Commission District 2)

Recommendation

Staff recommends the City Commission consider the vacation of a 15-foot-by-285-foot utility easement located just north of East Sunrise Boulevard, running north to south between NE 9th Avenue and NE 10th Avenue.

Background

The applicant, 901 E Sunrise, LLC., requests to vacate a 15-foot by 185-foot utility easement. The proposed vacation is associated with the Site Plan Level III development application for the “DeParc” mixed-use development consisting of 274 residential units and 5,400 square feet of commercial use (Case No. UDP-S23029). A location map depicting the easement is provided as Exhibit 1. The easement was originally platted as an alley reservation, but was later vacated and retained as a utility easement per O.R.B. 10827, pg. 842, B.C.R. The survey and vacation ordinance are provided as Exhibit 2.

The Development Review Committee (DRC) reviewed the easement vacation application on August 27, 2024. All comments have been addressed. The application, project narratives, and utility letters stating no objection to the vacation are attached as Exhibit 3. The DRC comment report and the applicant’s responses are attached as Exhibit 4. The sketch and legal description of the proposed vacation is attached as Exhibit 5.

Pursuant to the City’s Unified Land Development Regulations (ULDR) Section 47-24.7, Vacation of Easement, the City Commission is to consider the application, record, and recommendations forwarded by the DRC and shall hear public comment on the application and determine whether the application meets the following criteria for vacation of an easement:

- a. *The easement is no longer needed for public purposes;*

The easement is no longer needed for public purposes. Existing utility services within the

easement were used for an existing building, which is being demolished. The developer is coordinating any necessary new easements for the proposed new development.

- b. *All utilities located within the easement 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 portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same;*

The existing easement was used to service the property which was existing on the site. The site is currently being redeveloped and the existing building is being demolished. If required, new easements will be applied for the new development. The applicant has obtained letters of no objection from utility providers who have rights or authority to place utilities in the easement.

Should the City Commission determine that the proposed application meets the criteria for vacation of easement, the following conditions apply:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
3. Prior to Building Permit issuance, the vacating ordinance shall be in full force and effect on the date a certificate, executed by the City Engineer, is recorded in the public records of Broward County, Florida. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the Press Play Fort Lauderdale Strategic Plan 2029, included within the Business Development Cylinder of Excellence, specifically advancing:

- Guiding Principle: Innovation. The City continuously looks for opportunities to improve its services, pioneer new solutions to obstacles, and challenge the status quo.

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

This item also supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatibility of uses.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Application, Applicant’s Narratives, and Utility Letters

Exhibit 3 – Survey and Vacation Ordinance

Exhibit 4 – DRC Comment Report with Applicant’s Responses

Exhibit 5 – Sketch and Legal Description

Exhibit 6 – Resolution

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