



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#22-0746

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

FROM: Greg Chavarria, City Manager

DATE: September 6, 2022

TITLE: Quasi-Judicial Resolution Vacating a Ten-Foot Wide By 125-Foot-Long
Drainage Easement Located at 64 Isla Bahia Drive - Case No. UDP-
EV22001 – (**Commission District 4**)

Recommendation

Staff recommends the City Commission consider a resolution vacating a ten-foot wide by 125-foot-long drainage easement located at 64 Isla Bahia Drive in order to construct a new single-family residence.

Background

The Applicant requests to vacate a ten-foot wide by 125-foot-long drainage easement located at 64 Isla Bahia Drive in order to construct a new single-family residence. There is a 24" stormwater pipe within the drainage easement. A plan to relocate the drainage easement to the western portion of the property has been provided. The Relocation Plan is attached as Exhibit 1. A Location Map is attached as Exhibit 2. The Sketch and Legal Description for the Proposed Vacation is attached as Exhibit 3. The Applicant's Application, Narrative Responses to Criteria and Utility Letters are provided as Exhibit 4.

The Development Review Committee (DRC) reviewed the vacation request on April 26, 2022. All comments have been addressed and are available on file with the Development Services Department. The April 26, 2022, DRC Case Comment Report is provided as Exhibit 5.

The City Commission shall hold a public hearing to consider the application, the record, and staff recommendations forwarded by the DRC, shall hear public comment on the application and determine whether the request meets the criteria for the vacation.

Review Criteria:

The following Unified Land Development Regulations (ULDR) criteria apply:

- Section 47-24.7, Vacation of Easement
- Section 47-25.2, Adequacy Requirements

Vacation of Easement:

As per ULDR Section 47-24.7.A.4, Vacation of Easement, the request is subject to the following criteria:

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

The existing drainage easement is not currently in use. However, it will be relocated to the western portion of the property for future use.

- 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 24" Reinforced Concrete Pipe (RCP) outfall will be removed and a new 24" RCP outfall will be installed as part of the relocation plan of the 10-foot-wide drainage easement to the west of the property.

Should the Commission approve the proposed vacation, the following conditions apply:

1. Any utilities unknown found to be within the easement shall be relocated pursuant to a relocation plan at the expense of the applicant, and an easement in a different location shall be provided by the property owner to the satisfaction of the City. The relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
2. 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.
3. Applicant shall grant a new ten (10) foot drainage easement centered on the relocated infrastructure as approved by City Engineer. No trees, fences, other utilities, or structures shall remain or be installed over the granted easement.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *2022 Top Commission Priority*, advancing the Infrastructure and Resiliency initiative.

This item supports the Press Play Fort Lauderdale Strategic Plan 2024, included within the Business Development Cylinder of Excellence, specifically advancing:

- The Infrastructure Focus Area.
- Goal 1: Build a sustainable and resilient community.
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure.

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

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

- The Infrastructure Enhancement Focus Area
- The Sanitary Sewer, Water, and Stormwater Element
- Goal 2: Ensure that all areas of the City are reasonably protected from flooding giving due consideration to the City's natural and built environment.
- Objective: Ensure that adequate stormwater management is provided.

Attachments

Exhibit 1 – Relocation Plan

Exhibit 2 – Location Map

Exhibit 3 – Sketch and Legal Description for the Proposed Vacation

Exhibit 4 – Applicant's Application, Narrative Responses to Criteria, and Utility Letters

Exhibit 5 – April 26, 2022, DRC Case Comment Report

Exhibit 6 – Resolution

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