

REQUEST: Right-of-Way Vacation

Case Number	V15003
Applicant	Putnam Realty Limited, et al
General Location	North of 4th Street between NE 3 rd and 4 th Avenue
Property Size	6,000 SF Right of Way Vacation
Zoning	Regional Activity Center – City Center (RAC-CC)
Existing Use	Alley Right-of-Way
Future Land Use Designation	Downtown Regional Activity Center
Applicable ULDR Sections	Sec. 47-24.6 Vacation of Right-of-Way Sec. 47-25.2 Adequacy Review
Notification Requirements	Sec. 47-27.6 Sign Posting 15 days prior to meeting; Sec. 47-27.6 Mail Notice 10 days prior to meeting. Sec. 47-27.4. Public Participation
Action Required	Recommend Approval of Vacation to City Commission, or Deny
Project Planner	Randall Robinson, Planner III

PROJECT DESCRIPTION:

The applicant is proposing to vacate the southernmost 400 feet of an alley right-of-way, which abuts the east and west sides of the development parcel associated with Morgan on 3rd, a multi-family residential project proposed between NE 3rd and 4th Avenues, located north of NE 4th Street. The development block is bisected by the subject 15-foot platted alley that extends from NE 4th Street north to NE 5th Street. In order to accommodate the proposed site plan, the portion of the alley which bisects the development parcel is proposed to be vacated.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on July 28, 2015. All comments have been addressed.

REVIEW CRITERIA:

As per ULDR Section 47-24.6.A.4, the request is subject to the following criteria:

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

The alley is located on a narrow city block within the urban village character area, where redevelopment options provide the opportunity to develop the land with internalized garages and active street frontages that promote a positive pedestrian environment. If the associated development application is approved, the existing right-of-way would be replaced by a multi-story residential structure with new access points, eliminating the need for a public right-of-way at this location. The applicant owns the property abutting both sides of the portion of the alley to be vacated as well as all of the property abutting the east side of the alley through this entire block. The portion of the alley that is not proposed to be vacated at this time abuts property belonging to other property owners, each with direct access from either NE 5th Street or NE 3rd Avenue. To prevent a "dead-end" alley condition, the applicant will grant an ingress-egress easement through the project site from the terminus of the proposed vacation to NE 4th Avenue. This will allow the remaining portion of the alley to continue to be used without a dead-end condition. In addition, the applicant will grant easements for existing or relocated utilities, as needed.

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

Vacating the right-of-way will not disrupt the grid pattern in the surrounding neighborhood. The existing street grid system provides alternative options for vehicular movement around the property as NE 3rd Avenue and N.E. 4th Avenue run parallel to the alley and provide full

access to the lots fronting 3rd Avenue on the north and west side of the alley. The alley adjacent to these lots is not included in this vacation request, and consequently, those property owners will continue to have access to the alley abutting their respective properties. In order to accommodate the four lots on the northwest corner of the block which are not included in the project, and to maintain the balance of the alley as an alternative access, the applicant is proposing to grant an ingress/egress easement through the property providing a connection to NE 4th Avenue.

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

In lieu of a turnaround, a 15-foot wide ingress/egress easement is being proposed through the project site to provide a connection between the alley and NE 4th Avenue. In addition, a connection between the terminus of the alley and NE 4th Avenue is proposed to prevent a dead-end situation.

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

The alley does not currently serve pedestrian traffic nor will the remaining alley segment be an appropriate pedestrian route. A sidewalk will be constructed along the project's frontage on NE 4th Avenue and they exist along NE 3rd Avenue and NE 4th and 5th Streets.

- 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.*

The FPL poles which are located within the portion of the alley to be vacated will be removed. There is existing sanitary sewer within the alley, a portion of which will be relocated. The upstream end of the sanitary sewer located in the alley will be vacated and new manholes and mains will be constructed at the north end of the vacation area to ensure continued sewer service to the existing properties from NE 5th Street. Utility facilities currently located within the vacation area will be relocated or a utility easement will be granted over the facilities, as appropriate.

Letters of no objection have been received from all of the franchise utilities and the applicant is working with them to address existing facilities and future service.

PUBLIC PARTICIPATION

The right-of-way vacation request is subject to the public participation requirements established in ULDR Sec. 47-27.4. According to the applicant, they have held 3 public participation meetings during the months of July and August 2015 in order to offer the neighborhood association surrounding the property the opportunity to learn about the proposed project.

The information and affidavits are provided as Exhibit 1.

STAFF FINDINGS:

The application meets the criteria as indicated in ULDR Section 47-24.6, Vacation of Right-of-Way and 47-25.2, Adequacy Review. Applicant's response narratives to the Adequacy Review criteria are provided as part of the submittal package. Staff recommends the Board approve the request subject to the above criteria and conditions provided herein.

STRATEGIC CONNECTIONS

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

- Goal 7: Be a well- positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port, and rail connections.
- Objective 2: Facilitate a responsive and proactive business climate.

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

CONDITIONS:

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

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. 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. The certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.
4. Applicant shall record the vehicular and pedestrian easements, including the ingress-egress easement through the project site from the terminus of the proposed vacation to NE 4th Avenue as agreed to by the City, prior to the issuance of the engineering certificate.

PLANNING & ZONING BOARD REVIEW OPTIONS:

As per ULDR Section 47-24.6.3, the Planning and Zoning Board shall consider the application for vacation-of-right-of-way and the record and recommendations forwarded by the DRC, and shall hear public comment on the application.

If the Planning and Zoning Board determines that the application meets the criteria for vacation, the recommendation shall be forwarded to the City Commission for consideration. If the Planning and Zoning Board determines that the criteria for vacation have not been met, the Board shall deny the application and the procedures for appeal to the City Commission as provided in Section 47-26B, Appeals, shall apply.

Exhibit

1. Public Participation Information and Affidavit