



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

**#20-0100**

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

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** February 18, 2020

**TITLE:** Quasi-Judicial Resolution Approving the Vacation of a Utility Easement  
Located at 1051 NE 4 Avenue - Town Development, Co. – Case No. PLN-  
EV-19110001 - **(Commission District 2)**

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**Recommendation**

It is recommended that the City Commission consider a resolution vacating a southern portion of a utility easement that runs north and south through subject property located at 1051 NE 4<sup>th</sup> Avenue. The request satisfies the provisions of the City’s Unified Land Development Regulations (ULDR), Section 47-24.7, Vacation of Easement.

**Background**

The applicant, Town Development, Co., requests to vacate a portion of a 15-foot wide, utility easement. The utility easement vacation is required for the construction of the “Sherwin Williams” development project (ZR19003). The associated Site Plan Level IV development application consists of a rezoning from Residential Single Family and Duplex/Medium Density (RD-15) District to Parking Lot (X-P) District with Site Plan Approval and Allocation of 0.58 Acres of Commercial Flex for 14,200 Square Feet of Retail Use, that is also scheduled on this agenda as CAM No. 20-0098.

The City’s Development Review Committee (DRC) reviewed the easement vacation application on December 10, 2019. All comments have been addressed and are available on file with the Department of Sustainable Development. The Applicant’s Application, Narratives, and Utility Letters are attached as Exhibit 1. The sketch and legal description of the proposed vacation is attached as Exhibit 2.

The City Commission shall consider the application, the record, staff recommendation, and public comment on the application when determining whether the application meets the criteria for vacation.

Pursuant to the City’s Unified Land Development Regulations (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 easement area is no longer needed for public purpose. The portion of the easement area being vacated is completely located on the subject property. The applicant has received letter of no objection from the City of Fort Lauderdale Utilities Division and as a condition of approval, the utilities within the easement, as specified in the letter will be relocated, removed, or abandoned at the developer's expense.

- 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 applicant has received letters of no objection from all applicable franchise utilities. The FPL letter indicates it has existing facilities and utility easements at the site. The utilities within the easement, as specified in the letter will be relocated, removed, or abandoned at the customer's expense. The franchise utility letters of no objection and site plan are included within Exhibit 1.

Should the Commission approve the proposed vacation, 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, or easements dedicated, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department; and
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, or easements dedicated, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *Fiscal Year 2020 Commission Annual Action Plan* priority, included within the Management Agenda, advancing the Business Development initiative.

This item supports the Press Play Fort Lauderdale 2024 Strategic Plan, specifically advancing:

- The Infrastructure Focus Area
- Goal 2: Build a multi-modal and pedestrian friendly community.
- Objective: Improve roads, sidewalks, and trails to prioritize a safer, more walkable and bikeable community.

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

**Related CAM**

CAM 20-0098

**Attachments**

Exhibit 1 – Applicant’s Application, Narratives, and Utility Letters

Exhibit 2 – Sketch and Legal Description

Exhibit 3 – Resolution

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