

March 19, 2014

City of Fort Lauderdale
Planning and Zoning Department
700 NW 19th Avenue
Ft Lauderdale, FL 33311

**RE: PINEAPPLE HOUSE - NE 5 STREET
DRC/PROW ALLEY UTILITY EASEMENT VACATION
PROJECT & ULDR NARRATIVES
CT&A PROJECT NO. 14-0008-001-01**

To Whom it May Concern:

Below please find a narrative describing our project request for the Utility Easement Vacation Application, and the narrative quoting all applicable sections of the ULDR:

CRANEN THOMPSON



& ASSOCIATES INC.

Engineers
Planners
Surveyors
Landscape Architects

This site, comprised of 10 lots, is currently vacant land on the western side, and a small vacant lot and 3 businesses on the eastern side. It is being developed as a seven-story multiple use project that includes multifamily residential units and social service residential facilities (SSRF), together with other amenities and supportive functions that include a club floor, food services, beauty salons, a health and fitness center, administrative and marketing offices, ground floor office and retail space, and two (2) half-floors of parking to provide maximum active exterior use for the design.

A platted 15' alley, recorded in Plat Book 1, Page 182, DCR, was previously vacated and retained as a utility easement, and was recorded in OR 33020-202, BCR (copies provided). This remaining utility easement exists between Lots 17 & 18 and Lots 9 & 10 of Block 4, and runs north-south through the site, encumbering the middle of the site. (A colored exhibit is also provided for your use and clarification.) We respectfully request to vacate the 15-foot utility easement in order to fully develop this project. Per the required utility letters, they do not object to our request to vacate this easement, providing we relocate, replace, or remove the facilities on site at our cost, and provide any new easements as necessary to provide service to our site or any existing adjacent properties.

Sec. 47-24.7. Vacation of easement.

A. *Vacation of easement (City Commission).*

1. *Applicant.* The applicant shall be the owner of property subject to public easement sought to be vacated by the City.

Applicant's Response: The applicant is the owner of the property subject to public easement sought to be vacated by the City.

2. *Application.* An application for a vacation of easement shall be made to the department, and shall include a legal description of the easement or portion thereof proposed to be vacated and written consent executed by every utility company with existing utilities or a right to locate such utilities within the easement.

Applicant's Response: The application for vacation is being submitted herewith, and the sketch and legal description for the easement is included. The utility consent letters are enclosed.

3. *Review process.*

- a. An application shall be submitted to the development review committee for review to consider if the application meets the criteria for a vacation of easement.
- b. The DRC shall prepare a report to be included with the application regarding existing utilities within the easement and whether the criteria have been met.
- c. The DRC shall forward its recommendation for a vacation of an easement to the city commission.
- d. During a regular public meeting, the City Commission consider the application and the record and recommendations forwarded by the DRC and shall hear public comment on the application.
- e. If the city commission determines that the application meets the criteria for vacation, the city commission shall approve the vacation. If the city commission determines that the proposed development or use does not meet the criteria, the city commission shall deny the vacation.
- f. Approval of a vacation of an easement shall be by resolution adopted by the city commission.

Applicant's Response: The applicant duly notes and understands the review process.

4. *Criteria.* An application for a vacation of an easement shall also be reviewed in accordance with the following criteria:

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

Applicant's Response: This utility easement will no longer be required for public purposes once the site is redeveloped.

- 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.

Applicant's Response: All criteria have been met and utilities will be relocated and/or new easements will be given.

5. *Appeal.* If an application for vacation is denied by the city commission, the applicant may appeal the decision in accordance with the procedures provided in Section 47-26B, Appeals.

Applicant's Response: The applicant duly notes and understands the appeal process.

6. *Effect upon approval.* The resolution approving a vacation of easement shall be recorded in the public records of the county within thirty (30) days after adoption. The resolution may provide for the retention of a utility or other type of easement needed by the city, and may have a delayed effective date in order that any necessary conditions relating to the vacation may be made.

Applicant's Response: The applicant duly notes and understands the effect upon approval process.

(Ord. No. C-97-19, § 1(47-24.7), 6-18-97)

Please do not hesitate to contact me at (954) 739-6400 with any questions or comments you may have.

Sincerely,

CRAVEN THOMPSON & ASSOCIATES, INC.



CATHERINE A. DONN
Planner

Enclosures