



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

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** October 1, 2013

**TITLE:** QUASI-JUDICIAL – SECOND READING OF ORDINANCE – Vacation of  
a 15-foot Right-of-Way - Case 2P13

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**Recommendation**

It is recommended that the City Commission adopt an ordinance vacating a 15-foot wide, 9,000 square-foot portion of right-of-way to construct a parking lot for the New Mount Olive Baptist Church located at 400 NW 9<sup>th</sup> Avenue.

**Background**

The existing 15-foot alley right-of-way proposed to be vacated, is located north of NW 4<sup>th</sup> Street between NW 8<sup>th</sup> Avenue and NW 9<sup>th</sup> Avenue, and is associated with the proposed new sanctuary and chapel for the New Mount Olive Baptist Church. A parking lot will be constructed on the vacation site to serve the expansion of the church.

Pursuant to ULDR Section 47-24.6, Vacation of Right-of-Way, the project was reviewed by the Planning and Zoning Board (PZB) on July 17, 2012, and approved by a vote of 7-0. The applicant's narrative, minutes and report of the PZB are available as Exhibits 2, 3 and 4 respectively. The sketch and legal are provided in the attached ordinance.

The application is subject to ULDR Section 47-24.6, Vacation of Right-of-Way, which includes the following criteria:

- A. The right-of-way or other public place is no longer needed for public purposes; and
- B. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and
- C. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and
- D. The closure of a right-of-way shall not adversely impact pedestrian traffic;

- 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 application meets the above criteria. According to the applicant, a portion of the alley is currently used to allow paved access to the church's handicapped parking spaces and the rest remains unimproved. The alley was originally intended to provide access between NW 4<sup>th</sup> Street and NW 5<sup>th</sup> Street, but was never improved. With this proposal, the alley will be vacated in order to permit the redevelopment of the narrow block to provide associated parking including circulation, associated with the expansion of the church. The vacation of the right-of-way will only be effective upon completion of the development and as evidenced by an Engineer's Certificate.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Development Review Committee and the Planning and Zoning Board and shall hear public comment on the application when determining whether the vacation request meets the criteria for vacation of right-of-way.

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

1. Vacation of the right-of-way shall be effective upon completion of the development and evidenced by an Engineer's Certificate;
2. As per AT&T, the owner will be required to grant a new easement, conduit and any other support facilities required by the company within the 15-foot right-of-way to be vacated;
3. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer. All improvements constructed within the easement shall conform to City engineering standards;
4. 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.

## **Resource Impact**

There is not fiscal impact associated with this action

### Attachments

Exhibit 1 – Location Map

Exhibit 2 - Applicant's narrative

Exhibit 3 - Staff report from July 17, 2013 Planning and Zoning Board meeting

Exhibit 4 - Final minutes from July 17, 2013 Planning and Zoning Board meeting

Exhibit 5 - Ordinance

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