



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

**#23-0832**

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

**FROM:** Greg Chavarria, City Manager

**DATE:** September 5, 2023

**TITLE:** Second Reading – Public Hearing – Amending Quasi-Judicial Ordinance  
Vacation of Right-of-Way Identified as a 28-foot wide by 303.92-foot-long  
Portion of SE 10<sup>th</sup> Court Between SE 3<sup>rd</sup> Avenue and SE 4<sup>th</sup> Avenue – Case  
No. UDP-V21005 – **(Commission District 4)**

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**Recommendation**

Staff recommends the City Commission amend condition #2 of Ordinance #22-27 vacating a 28-foot wide by 303.92-foot-long portion of right-of-way also known as SE 10<sup>th</sup> Court located west of SE 4<sup>th</sup> Avenue and south of the Tarpon River. Ordinance #22-27 is attached as Exhibit 1. The sketch and legal description of the vacated portion of the right-of-way is provided as Exhibit 2.

**Background**

The original right-of-way vacation request was reviewed by the Development Review Committee (DRC) on November 30, 2021. All comments have been addressed and are available on file with the Development Services Department (DSD). The item was reviewed by the Planning and Zoning Board (PZB) on May 18, 2022 and was recommended for approval by a vote of 6-0, subject to conditions. The PZB meeting minutes are included as Exhibit 3. The second reading for the request was reviewed and approved at the September 6, 2022 City Commission (CC) meeting. Please see the City Commission meeting minutes attached as Exhibit 4.

On August 22, 2023 the City Commission held a public hearing where the item was approved for second reading.

The condition proposed to be modified was originally intended to facilitate the relocation or granting of an easement for private AT&T utilities located within the vacated area. However, the utility provider no longer objects to the Right-of-Way vacation as stated in the Letter of No Objection attached as Exhibit 5. The modification to the condition would allow the applicant to close out the vacation process upon completion of Condition #3, which states “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.”

Staff recommends the condition #2 language be modified as follows:

From:

*Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider;*

To:

*Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the United States of America's, acting by and through the Administrator of General Services, expense and an engineer's certificate may be issued by the City upon issuance of a letter from the utility provider stating no objection to the proposed vacation;*

The City Commission shall hold a public hearing to consider amending the condition request and determine whether the request meets the criteria for the vacation.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

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

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Nurture and support existing local businesses

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

### **Attachments**

Exhibit 1 – Ordinance No. C-22-27

Exhibit 2 – Sketch and Legal Description

Exhibit 3 – May 18, 2022 PZB Meeting Minutes

Exhibit 4 – September 6, 2022 CC Meeting Minutes

Exhibit 5 – AT&T Letter of No Objection

Exhibit 6 – Ordinance

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