



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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: December 2, 2014

TITLE: QUASI-JUDICIAL – SECOND READING OF ORDINANCE – Vacation of
Aerial Portions of NW 2nd Avenue Right-of-Way - Case V14005

Recommendation

It is recommended that the City Commission adopt on second reading an ordinance vacating aerial portions of NW 2nd Avenue in association with the construction of the proposed All Aboard Florida rail passenger station.

Background

All Aboard Florida, Operations LLC, requests to vacate a portion of Air Rights above NW 2nd Avenue, generally south of NW 2nd Street and north of Broward Boulevard, in order to construct a pedestrian concourse bridge as part of a proposed passenger rail station. The pedestrian bridge will connect the proposed 60,000 square-foot station building to the train platform. The Fort Lauderdale site is approximately 150,000 square feet in size and is bound by NW 2nd Street to the north, an existing office building to the south, NW 4th Avenue to the west, and the Florida East Coast Railway right-of-way to the east. A map showing the location of the proposed vacation is included as Exhibit 1.

Pursuant to Unified Land Development Regulations (ULDR) Section 47-24.6, Vacation of right-of-way, the project was reviewed by the Planning and Zoning Board (PZB) on October 15, 2014, and recommended for approval by a vote of 9-0. The applicant's narrative, PZB staff report, and PZB minutes are attached 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 under subsection 4:

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

Response: the subject air rights are not being utilized by the public at this time, other than necessary clearance for municipal services trucks and such clearance is not affected by the requested vacation.

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

Response: see response to a. above.

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

Response: clearance for municipal service vehicles and other trucks will be maintained as required by City engineering standards to provide a minimum a 17-foot clearance Above the existing right-of-way.

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

Response: as an air rights vacation pedestrian traffic is unaffected by the closure; it should be noted that the air rights vacation is requested to accommodate a pedestrian bridge from the All Aboard train station to the platform for this transit service.

- 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.*

Response: No utilities are affected by this vacation. Access to city infrastructure will be maintained.

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. The DRC record and recommendations are available upon request.

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

1. The lowest elevation of the Vacated Air Rights for the All Aboard Station pedestrian bridge shall be 25 feet (24.99 feet) above finished street grade with an

appendage to accommodate support columns, at lowest level being 17 feet above finished street grade.

2. In the event the areas being vacated by this ordinance, including the air rights vacated to accommodate the pedestrian bridge, have been abandoned by All Aboard Florida, its successors and assigns, as of the 75th anniversary of the ordinance approval date, such vacated air rights and/or right of way, as applicable, shall be rededicated to the City.
3. In the event there are substantial changes to the design of the All Aboard Station that impact the minimum lowest level elevations as indicated in above condition #1, the Air Right Vacation shall be resubmitted to the City for approval.

Strategic Connections

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

- **Goal 1:** Be a pedestrian friendly, multi-modal City.
- **Objective 2:** Improve transportation options and reduce congestion by working with agency partners.

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

Resource Impact

There is no fiscal impact associated with this action.

Attachments:

- Exhibit 1 - Location Map
- Exhibit 2 - Applicant's Narrative
- Exhibit 3 – PZB Staff Report - October 15, 2014
- Exhibit 4 – PZB Minutes – October 15, 2014
- Exhibit 5 - Ordinance

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