



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

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

**DATE:** February 4, 2014

**TITLE:** QUASI-JUDICIAL – RESOLUTION – Vacation of a 15-foot Utility  
Easement – Case 3M13

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**Recommendation**

It is recommended that the City Commission adopt a resolution vacating a 15-foot, 4,750 square-foot utility easement, located on the east side of SW 27 Avenue, south of SW 2 Court, consistent with ULDR Section 47-24.7, Vacation of Easement.

**Background**

The City Commission is to consider the application, the record and recommendations forwarded by the Development Review Committee (“DRC”), and public comment on the application when determining whether the application meets the criteria for vacation.

The applicant requests the utility easement vacation as part of the request to develop a commercial retail shopping center for a proposed Walmart Store and other future retail, restaurant and service uses. Four right-of-way vacations associated with the project site are also scheduled on this agenda. A map showing the locations of the proposed vacations in context of the overall project site is included as Exhibit 1. The applicant’s narrative and responses to criteria are attached as Exhibit 2.

Pursuant to Unified Land Development Regulations (ULDR) Section 47-24.7, Vacation of Easement, the DRC reviewed the application on September 11, 2012, and all comments have been addressed. The utility easement is no longer needed for public purpose as further evidenced by letters provided by the applicant from the appropriate utility companies. The vacation shall be conditioned upon the relocation of any city infrastructure known or unknown found to be within the areas to be vacated. The City is requesting that a temporary utility easement shall be retained until such time as the engineering certificate is recorded, evidencing that the utilities in the vacation area have been removed or abandoned. A utility relocation plan is included as Exhibit 3. The sketch and legal description are provided in the attached resolution.

The proposed vacation will permit the redevelopment of the site to accommodate a shopping center and associated parking including accommodation for vehicular and pedestrian access and circulation. As part of the redevelopment of the site, the applicant is proposing three vehicular access openings along SW 27<sup>th</sup> Avenue, one along SW 24<sup>th</sup> Avenue and the main entrance to the site will be accommodated from West Broward Boulevard. The applicant is proposing new seven-foot sidewalks along SW 24<sup>th</sup> Avenue, SW 27<sup>th</sup> Avenue and West Broward Boulevard, as well as new pedestrian walkways through the proposed development.

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

1. A Temporary utility easement shall be retained until such time as the engineering certificate is recorded evidencing that any utilities in the vacation area have been relocated or abandoned at the Applicant's expense, pursuant to a relocation plan approved by the City's engineering department and that any easements required pursuant to the said relocation plan be conveyed by instruments approved by the City Attorney.
2. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department;
3. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.

### **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

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

Related CAMs: #14-0043, 14-0044, 14-0045, 14-0046

Attachments:

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Narrative

Exhibit 3 - Utility Relocation Plan

02/04/2014

**14-0048**

Exhibit 4 - Resolution

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