



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

#20-0753

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: October 6, 2020

TITLE: Second Reading - Quasi-Judicial Ordinance Vacating Right-of-Way
Identified as a 50-Foot Wide by 134-Foot Long Roadway Between SE 3rd
Avenue and S Federal Highway Known as SE 4th Avenue – Initech
Properties, LLC. - Case No. V19007 - **(Commission District 4)**

Recommendation

Staff recommends the City Commission adopt, on second reading, an ordinance vacating a 50-foot wide by 134-foot long right-of-way located between SE 3rd Avenue and S Federal Highway known as SE 4th Avenue.

Background

The applicant, Initech Properties, LLC., requests to vacate a 50-foot wide by approximately 134-foot long portion of a right-of-way, located south of SE 9th Court, north of the Tarpon River, east of SE 3rd Avenue and west of North Federal Highway. An aerial location map and the sketch and legal descriptions for the proposed vacation are attached as Exhibits 1 and 2, respectively. The application, applicant's narrative responses, and utility letters are attached as Exhibit 3.

The vacation request was reviewed by the Development Review Committee (DRC) on September 10, 2019. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD). The item was reviewed by the Planning and Zoning Board (PZB) on May 20, 2020 and was recommended for approval by a vote of 7-0 subject to conditions as contained in the PZB Staff Report and restated herein. The May 20, 2020 PZB Staff Report and Meeting Minutes are attached as Exhibit 4 and Exhibit 5, respectively.

Review Criteria

As per the Unified Land Development Regulations (ULDR), Section 47-24.6.A.4., Vacation of Right-of-Way, the request is subject to the following criteria:

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

The right-of-way is not needed for public purposes. At this location, SE 4th Avenue dead-ends into the Tarpon River. The right-of-way is not used for pedestrian or

vehicular traffic. The applicant is proposing to improve this section of SE 4th Avenue to create an improved pedestrian experience to the waterway and is proposing to grant a public access easement over the vacated right-of-way for the public to enjoy the improved views and streetscape.

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

The right-of-way is a dead-end and is not used for vehicular or pedestrian traffic. Therefore, no alternate routes are needed.

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

If the right-of-way is vacated, vehicles will be able to travel south on SE 4th Avenue and turn east on SE 9th Court to exit the area. The right-of-way to be vacated is already a dead-end street.

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

Pedestrian traffic will not be affected by the vacation of the right-of-way. Sidewalks do not currently exist in the area proposed to be vacated, and the right-of-way is not used for through-travel.

- 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.*

Applicant has obtained letters of no objection from the franchise utilities and the City's Public Works Department. Applicant will relocate all utilities to the satisfaction of the respective utility owners or will grant an easement over the existing right-of-way for the utilities that will remain. The utility letters along with the applicant's narrative responses are provided as Exhibit 3.

Notice Requirements

The right-of-way vacation request is subject to the public participation requirements established in ULDR, Section 47-27.4. According to the applicant, a public participation meeting was held on December 9, 2019, to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the overall proposed project. The public participation meeting summary is attached as Exhibit 6.

In addition, this request is subject to mail notice requirements established in ULDR Section 47-27.6.A.1 for the PZB meeting. The mail notice is also included as part of Exhibit 6.

Furthermore, this request is subject to sign notification requirements established in ULDR Section 47-27.4 for the PZB meeting. The applicant installed two signs on the property and submitted a sign affidavit indicating proper sign notification was provided. Exhibit 6 contains the photographs of the posted signs.

Conditions

Should the City Commission approve the proposed vacation, the following conditions apply:

1. All utilities located within the vacated right-of-way may remain within a utilities easement retained over the right-of-way area or portion thereof; or an easement in a different location shall be provided for the utility facilities by the owner to the satisfaction of the City; or all utilities located within the vacated right-of-way shall be relocated pursuant to a relocation plan; or any combination of same and utilities maintenance shall not be disrupted.
2. 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 no fiscal impact associated with this action.

Strategic Connections

This item is a *Fiscal Year 2020 Commission Annual Action Plan* priority, included within the Management Agenda, advancing the Business Development initiative.

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

- The Infrastructure Focus Area
- Goal 2: Build a multi-modal and pedestrian friendly community.
- Objective: Improve roads, sidewalks, and trails to prioritize a safer, more walkable and bikeable community.

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

Attachments

Exhibit 1 – Aerial Location Map

Exhibit 2 – Sketch and Legal Descriptions of Proposed Right of Way Vacation

Exhibit 3 – Application, Applicant's Narratives, and Utility Letters

Exhibit 4 – Planning and Zoning Board Staff Report from May 20, 2020

Exhibit 5 – Planning and Zoning Board Meeting Minutes from May 20, 2020

Exhibit 6 – Public Participation Meeting Summary, Mail Notice and Sign Notification

Exhibit 7 – Ordinance

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