



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

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

DATE: September 3, 2014

TITLE: QUASI-JUDICIAL – SECOND READING OF ORDINANCE – Vacation of
a 50-foot right-of-way - Case V14002

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 50-foot wide portion of right-of-way located on the west side of NE 26th Avenue in the Golf Estates subdivision.

Background

The right-of-way is approximately 85 feet in length and terminates at a private property. The roadway was platted as part of this subdivision in the anticipation that the property to the west would also become platted and include another segment of roadway to complete the street. The property to the west was never platted and has been developed with multi-family units on a private property. This renders this right-of-way as a dead-end segment that has no functionality other than to the two adjoining properties. The applicant has stated in the attached narrative that the roadway segment has become used for an area to dump trash and store vehicles. The owners of the properties to the north and south of the right-of-way are now seeking to maintain the area as part of their properties. 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 June 18, 2014, and approved by a vote of 9-0. The applicant's narrative, minutes and report of the PZB 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*

The right-of-way does not currently serve as a thoroughfare and does not provide vehicular or pedestrian access. The approximately 85 foot segment does not have vehicular functionality other than to the abutting properties to the north and south who would receive the property if the right-of-way is vacated. Both of these lots have primary access onto NE 26th Avenue.

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

The right-of-way is currently not used for cross access as a fence exists at its western end. Adequate vehicular and pedestrian access to the neighborhood is provided on NE 55th Street, approximately 250 feet to the north. Therefore, no alternate routes will be required to serve this area.

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

The closure of the right-of-way would not affect how vehicles turn around as the property does not function as a connecting roadway. The City right-of-way does not contain sufficient land to create a cul-de-sac or other type of safe turnaround area.

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

The proposed vacation will not adversely affect pedestrian traffic. The private property to the west is separated by a fence, which inhibits pedestrians from utilizing the right-of-way for cross access.

- 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.*

All utilities located within the vacation area, including any utilities held by the City, will remain in their existing location. A new easement will be provided to the City in order to continue their operation and maintenance. All affected utility franchises have provided letters of no objection to the vacation subject to receiving easements

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 abutting property owners shall convey to the City a utility easement over portions of the right-of-way to be vacated, subject to the approval of the City Attorney. A City utility easement shall be retained over a portion of the right-of-way area in order to accommodate access for maintenance purposes.
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.

Strategic Connections

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

- **Goal 5:** Be a community of strong, beautiful, and healthy neighborhoods.
- **Objective 2:** Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

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

Resource Impact

There is no fiscal impact associated with this action

Attachments:

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Narrative

Exhibit 3 - Staff report – June 18, 2014 Planning and Zoning Board meeting

Exhibit 4 - Approved minutes – June 18, 2014 Planning and Zoning Board meeting

Exhibit 5 - Ordinance

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