



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

#17-0700

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

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

DATE: July 11, 2017

TITLE: Quasi-Judicial – Ordinance Vacating a Right-of-Way (alley) located at
New River Yacht Club III – New River III LLC - 416 SW 1 Avenue –
V16004

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 14-foot- wide by approximately 200-foot long alley right-of-way located at the ground floor parking level of the existing New River Yacht Club Development located at 400 SW 1 Avenue, as part of the New River Yacht Club Phase III development, which will be constructed at 416 SW 1 Avenue.

Background

The site of the Phase III New River Yacht Club Development is bordered on the west by a 14-foot wide platted alley. The alley was originally platted through Block 41 between South New River Drive West and SW 5th Street. In 2011 the northernmost 120 feet of the alley was vacated. In order to accommodate the proposed site plan, the applicant is submitting an application to vacate approximately 200 feet of the alley lying to the south of the previous vacation. This portion of the alley is bounded on both sides by property owned by the applicant, and will be included in the development project. A map showing the location and extent of the proposed vacation is included as Exhibit 1.

In conjunction with the 2011 alley vacation, a pedestrian and vehicular ingress-egress easement was dedicated through the building's garage providing a connection between the northern end of the vacated alley and SW 1st Avenue to prevent a dead-end condition. In conjunction with the requested alley vacation, the applicant is proposing to dedicate a comparable easement through the new project providing a connection to SW 1st Avenue south of the current easement connection. As a result of the proposed alley vacation, the existing easement will no longer abut the public alley and will eliminate the need for the existing access easement (Vacation of the easement is under separate application – CAM #17-0710 also on this agenda; see diagram attached as Exhibit 2 illustrating this paragraph).

Letters of no objection have been received from all of the franchise utilities as well as the City's Public Works Department.

Pursuant to Section 47-24.6 of the Unified Land Development Regulations (ULDR), Vacation of Right-of-Way, the project was reviewed by the Planning & Zoning Board (PZB) on January 17, 2017. The applicant's narratives and the utility letters are attached as exhibit 3. The PZB Staff Report and Meeting Minutes are attached as exhibit 4 and 5. The sketch and legal are provided as part of the ordinance attached as Exhibit 6.

An application for a vacation of a right-of-way (alley) shall be reviewed in accordance with the following criteria:

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

The subject segment of alley is not needed for public access nor is it used as a pedestrian access way. The applicant will grant an 8-foot-wide access easement alongside the remaining alley right-of-way to provide for a 22-foot wide public thoroughfare where the alley is to remain, and a 20-foot wide easement to connect the north end of the resulting public right-of-way with SW 1st Avenue to the west.

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

The property located on the west side of the alley has full access to SW 1st Avenue, as well as SW 5th Street on its south side. The applicant is proposing to grant a 20-foot wide east-west access easement through the project garage, connecting the northern terminus of the 22-foot wide north-south alley and the easement to SW 1st Avenue.

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

A 20-foot wide access easement is being proposed through the project garage in lieu of a turn around to provide a connection to SW 1st Avenue for vehicles proceeding north toward the river along the alley.

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

The alley does not currently serve pedestrian traffic. As part of the proposed development a sidewalk will be provided along the east side of the alley within the new easement.

- 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.

There are currently franchise and public utilities within the subject alley right-of-way. The applicant will work with the franchise utilities to arrange for the removal/relocation of facilities existing within this portion of the alley. The upstream end of the sanitary sewer located in the alley will be vacated and a new manhole constructed at the south end of the vacation area.

Letters of no objection have been requested from all of the franchise utilities and the City's Public Works Department. To date, letters of no objection have been received from TECO gas and the Public Works Department.

The applicant's narrative and the utility letters are attached as Exhibits 3.

Conditions

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

1. The applicant shall dedicate a new 20-foot access easement so the existing alley is not interrupted, which will divert vehicles to SW 1st Avenue, preventing a dead-end.
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; and,
4. 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 *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Public Safety Cylinder of Excellence, specifically advancing:

- Goal 7: Be a well-positioned City within the global economic and tourism markets

- of the South Florida region, leveraging our airports, port, and rail connections.
- 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*.

Related CAM

#17-0710

Attachments

- Exhibit 1 - Location Map
- Exhibit 2 - Illustrative Diagram.
- Exhibit 3 - Applicant's Narratives and Utility Letters
- Exhibit 4 - PZB Staff Report
- Exhibit 5 - PZB Minutes from 1-17-17 meeting
- Exhibit 6 - Ordinance

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