



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-1188

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: December 21, 2021

TITLE: Second Reading - Quasi-Judicial Ordinance Vacating Right-of-Way
Identified as a 40-foot wide by 125-foot-long Portion of NE 5th Terrace
Between north of NE 6th Street and south of NE 7th Street - Flagler Sixth,
LLC - Case No. UDP-V21001 - **(Commission District 2)**

Recommendation

Staff recommends the City Commission consider an ordinance vacating a 40-foot wide by 125-foot long portion of right-of-way also known as NE 5th Terrace located north of NE 6th Street and south of NE 7th Street.

Background

The applicant, Flagler Sixth, LLC., requests to vacate a 40-foot wide by 125-foot-long portion of NE 5th Terrace, which runs parallel to North Federal Highway, also known as NE 5th Terrace, north of NE 6th Street and south of NE 7th Street.

An associated site plan for a six-story building containing 444,656 square feet of mixed commercial space located at 627 North Federal Highway, Case R19037, was approved by the Development Review Committee (DRC) on April 15, 2020. An aerial location map and the sketch and legal descriptions for the proposed vacation are attached as Exhibits 1 and 2 respectively.

The vacation request was reviewed by the Development Review Committee (DRC) on May 25, 2021. All comments have been addressed and are available on file with the Development Services Department (DSD). The May 25, 2021, DRC Comments are attached as Exhibit 3. The item was reviewed by the Planning and Zoning Board (PZB) on September 22, 2021 and was recommended for approval by a vote of 8-0, subject to conditions as contained in the PZB Staff Report and restated herein. The September 22, 2021 PZB staff report, and meeting minutes are attached as Exhibit 4 and Exhibit 5, respectively.

The City Commission shall hold a public hearing to consider the application, the record, and recommendations forwarded by the Department and the Planning and Zoning Board. Additionally, the City Commission shall hear public comment on the application and determine whether the request meets the criteria for the vacation.

Review Criteria:

The following Unified Land Development Regulations (ULDR) criteria apply:

- Section 47-24.6, Vacation of Rights-of-Way
- Section 47-25.2, Adequacy Requirements

Vacation of Rights-of-Way:

As per 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 portion of NE 5th Terrace north of the proposed area to be vacated was previously vacated pursuant to City Ordinance No. C-19-41 and was found not to be needed for public purposes. The applicant owns the properties on either side of the proposed area to be vacated. The applicant is proposing to grant a 20-foot public access easement over a portion of the vacated area. As part of the standard vacation certification, the City and franchise utility providers will be provided utility easements for their respective infrastructure. City utility relocations have been permitted and building permits have been issued for the related site plan.

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

Alternative routes exist on North Federal Highway, NE 6th Street, NE 5th Avenue, and NE 7th Street. In addition, the applicant is proposing to grant a 20-foot public access easement over a portion of the vacated area to maintain two-way automobile traffic.

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

The properties immediately to the east of the proposed right-of-way to be vacated (601 and 611 North Federal Highway) are served by backout parking. If this portion of NE 5th Terrace is vacated, the backout parking and turnaround area will not be affected. The applicant is proposing to grant a 20-foot public access easement over the vacated portion of NE 5th Terrace which will allow vehicles to travel through NE 5th Terrace without the need for a turnaround.

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

There are currently no sidewalks on this portion of NE 5th Terrace. However, the applicant is constructing a public sidewalk along NE 5th Terrace and will grant a sidewalk easement over the sidewalks as required.

- 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 no utilities in the portion of the right-of way to be vacated. The applicant has obtained letters of no objection from the franchise utilities and the City's Public Works Department. The utility letters along with the applicant's narratives are provided as Exhibit 6.

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

1. 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 Public Works Department.
2. 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,
3. 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 by the applicant to the City.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a 2021 Commission Priority, advancing the Smart Growth initiative.

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

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Nurture and support existing local businesses

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

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Sketch and Legal Description for the Proposed Vacation

Exhibit 3 - May 25, 2021, DRC Comments

Exhibit 4 - September 22, 2021 Planning and Zoning Board Staff Report

Exhibit 5 - September 22, 2021 Planning and Zoning Board Meeting Minutes

Exhibit 6 - Application, Applicant's Narratives, and Utility Letters

Exhibit 7 - Ordinance

Prepared By: Yvonne Redding, Urban Planner III, Development Services Department

Department Director: Anthony Greg Fajardo, Development Services Department