



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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: December 3, 2019

TITLE: Quasi-Judicial – Ordinance Vacating a Portion of SW 6th Street Right-of-Way located East of the Tarpon River and West of SW 8th Avenue –Edward and Betty Kirwin - Case No. V19003 - **(Commission District 4)**

Recommendation

It is recommended that the City Commission consider adopting an ordinance vacating a 20-foot wide, 120-foot-long portion of a right-of-way along the north half of SW 6th Street adjacent to lot 7, 8 and 9 and a 20-foot wide, 135-foot long portion of a right-of-way along the south half of SW 6th Street adjacent to lot 10 of Block 35 of “SEAWANNA” Plat. The request satisfies the provisions of the City’s Unified Land Development Regulations (ULDR), Section 47-24.6, Vacation of Rights-of-Way.

Background

The applicants, Edward and Betty Kirwin, propose to vacate a portion of SW 6th Street, generally located east of the Tarpon River and west of SW 8th Avenue in order to redevelop the property immediately to the north of the subject vacation with a future single-family development. Location map is attached as Exhibit 1. The application, applicant’s narrative responses, and supportive documentation are attached as Exhibit 2 and the sketch and legal description are provided as Exhibit 3.

The vacation request was reviewed and recommended for approval by the Planning and Zoning Board (PZB) on September 18, 2019 by a vote of 6-3. The PZB Staff Report and Minutes are attached as Exhibit 4 and Exhibit 5, respectively.

Review Criteria

Pursuant to the City’s Unified Land Development Regulations (ULDR) Section 47-24.6.A.4, Vacation of Easement, 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 applicant has indicated that the right-of-way segment was originally part of a public purpose thoroughfare, however, a portion of SW 6th Street, located between SW 7th Avenue and SW 8th Avenue has been previously vacated for another

development and is no longer a distinct roadway used by vehicles or pedestrians at this location. The portion of SW 6th Street proposed to be vacated provides no vehicular circulation and does not currently provide access to the Tarpon River waterway.

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

The right-of way proposed to be vacated does not adversely impact vehicular circulation in the surrounding area as it currently terminates at the Tarpon River waterway and is only utilized for access to the two properties abutting that right-of-way. Properties adjacent to the proposed portion of right-of-way would have continued access to SW 8th Avenue which runs perpendicular to the proposed vacation.

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

The applicant has indicated that dedications will be provided in order to complete the existing turnaround at the terminus of SW 8th Avenue so that vehicles can continue to safely turn around and exit the area.

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

The applicant has stated that the closure of this portion of SW 6th Street will not adversely impact pedestrian traffic, as there is no public access to the waterway and there are no sidewalks for pedestrians to utilize.

- 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.*

The applicant has obtained letters of no objection from impacted franchise utilities and the City's Public Works Department. The Applicant will be relocating any and all existing utilities located within SW 6th Street. The utility letters are provided as part of Exhibit 2 beginning on page 13.

Adequacy Requirements:

The adequacy requirement criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed vacation. The proposed vacation has no impact on city infrastructure or services.

The applicant has provided narrative responses regarding the project's compliance with

ULDR Section 47-24.6.A.4., Vacation of Right-of-Way and Section 47-25.2, Adequacy Requirements, attached as Exhibit 1, to assist the City Commission in determining if the application meets the criteria.

Public Participation

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 August 18, 2019 to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the overall proposed project. Staff also received a letter from the Tarpon River Civic Association, regarding concerns pertaining to the development project that they would like to be taken into consideration. The public participation meeting summary and affidavit and Tarpon River Civic Association Letter of Opposition are attached as Exhibit 6 and Exhibit 7 respectively.

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, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's 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, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider;
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 to the City; and
4. The applicant will be required to complete the three-quarter turnaround and provide the necessary right-of-way dedications or easements needed to complete the turnaround.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is not related to the Vision Plan or Strategic Plan.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Application, Applicant's Narrative Responses, and Supportive Documentation

Exhibit 3 – Sketch and Legal Description

Exhibit 4 – Planning and Zoning Board Staff Report from September 18, 2019

Exhibit 5 – Planning and Zoning Board Meeting Minutes from September 18,
Exhibit 6 – Public Participation Meeting Summary and Affidavit
Exhibit 7 – Tarpon River Civic Association Letter
Exhibit 8 – Ordinance

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