



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

#17-0710

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 – Resolution Vacating a Pedestrian and Vehicular Ingress
and Egress Easement located at New River Yacht Club III – New River III
LLC - 416 SW 1 Avenue – E16010

Recommendation

It is recommended that the City Commission adopt a resolution vacating a 20-foot- wide by 159-foot long pedestrian and vehicular easement located at the ground floor parking level of the existing New River Yacht Club Development located at 400 SW 1st Avenue, as part of the New River Yacht Club Phase III development, which will be constructed at 416 SW 1st 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 has submitted an application (CAM #17-0700 also on this agenda) 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 overall development project.

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 east-west access easement. (See diagram attached as Exhibit 1 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 47-24.7 of the Unified Land Development Regulations (ULDR), Vacation of Easement, the project was reviewed by the Development Review Committee (DRC) on November 11, 2016. The DRC record is available upon request at the Department of Sustainable Development (DSD).

An application for a vacation of an easement shall be reviewed in accordance with the following criteria:

- a. *The easement is no longer needed for public purposes;*

The subject ingress-egress easement was dedicated in association with the vacation of the northern portion of the alley bisecting the site now occupied by the New River Yacht Club. The easement connected the north end of the remaining alley to SW 1st Avenue through the garage of the building. The applicant has submitted an application to vacate approximately 200 feet of the alley lying to the south of the previous vacation which would leave this easement no longer connected to the public alley. The applicant is proposing to dedicate a new easement through the project to connect the terminus of the public alley to SW 1st Avenue, rendering this access easement unnecessary.

- b. *All utilities located within the easement 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 portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same.*

This easement was dedicated for pedestrian and vehicular access and is located within the garage of the existing New River Yacht Club building. There are no franchise or public utilities located within this easement.

Letters of no objection have been received from all of the franchise utilities, including and the City's Public Works Department. TECO gas, AT&T and the City's Public Works Department.

The applicant's narrative and utility letters are attached as Exhibits 2. The sketch and legal are provided as part of Exhibit 3, the attached resolution.

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. Applicant shall provide appropriate signage to direct pedestrian and vehicular traffic.
3. 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.
4. 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.
5. The vacating resolution 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

#17-0700

Attachments

Exhibit 1 – Explanatory Diagram
Exhibit 2 – Applicant's Narrative and Utility Letters
Exhibit 2 – Resolution, Sketch & Legal

Prepared by: Randall Robinson, Planner III

Department Director: Anthony Greg Fajardo, Sustainable Development