



REQUEST: Right-of-Way Vacation

CASE NUMBER	UDP-V24001	
APPLICANT	City of Fort Lauderdale	
GENERAL LOCATION	840 N. Federal Highway	
ZONING DISTRICT	Parks, Recreation, and Open Space (P) and Boulevard Business (B-1)	
LAND USE	Parks, Recreation, and Open Space And Commercial	
COMMISSION DISTRICT	District 2 – Vice Mayor Steven Glassman	
NEIGHBORHOOD ASSOCIATION	Victoria Park Civic Association	
APPLICABLE ULDR SECTIONS	Section 47-24.6, Vacation of Right-of-Way . Section 47-25.2, Adequacy Requirements	
NOTIFICATION REQUIREMENTS	Section 47-27.6 Sign Posting 15 days prior to meeting Section 47-27.6 Mail Notice 10 days prior to meeting Section 47-27.4. Public Participation	
SECTION 166.033, FLORIDA STATUTES	180-day Expiration Date	Waiver Provided
	NA	Yes
ACTION REQUIRED	Recommend Approval of the Vacation to the City Commission, or Deny the Application	
PROJECT PLANNER	Lorraine Tappen, AICP, Principal Urban Planner	LLT PR

PROJECT DESCRIPTION:

The applicant requests the vacation of a 40-foot wide by 525-foot long, 21,000-square-foot portion of NE 6th Terrace right-of-way, located east of N. Federal Highway/US I between NE 8th Street and NE 9th Street within Holiday Park. A location map and sketch and legal description of the area to be vacated is attached as Exhibit 1.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on August 27, 2024, and all comments have been addressed. The DRC comments and the applicant's responses are provided as Exhibit 2.

AT&T, Comcast, Florida Power & Light, and TECO Peoples Gas have stated they have no objection to the vacation and that no known utilities are located within the right-of-way. The City's Public Works Department issued a letter of no objection with conditions that a utility easement is retained on the northern portion of NE 6th Terrace, adjacent to 850 N. Federal Highway, where there is an existing service use. In addition, the applicant must construct a new manhole within the vacated area, and provide plans showing the relocation or removal of the existing gravity sewer line outside of the proposed utility easement for continuity of service to the property located at 850 N. Federal Highway.

The application, applicant's narratives and letters indicating no objection to the vacation from all applicable utility providers are provided as Exhibit 3.

REVIEW CRITERIA:

The following Unified Land Development Regulations (ULDR) criteria apply to the proposed request:

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

Vacation of Right-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 right-of-way is not used to access surrounding properties. Access to NE 9th Street can be reached via N. Federal Highway/US 1. Southbound access from NE 6th Terrace to NE 8th Street is limited due the landscaped median which prevents eastbound traffic on NE 8th Street.

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

Alternate routes are not necessary as the right-of-way is not used by surrounding properties. There will be no adverse impacts to the surrounding area.

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

The right-of-way vacation will not affect ability to exit the area.

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

There are no pedestrian facilities in the right-of-way and therefore, pedestrian traffic will not be impacted.

- 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 the franchise utilities and the City's Public Works Department. Public Works has requested that a utility easement is retained on the northern portion of NE 6th Terrace adjacent to 850 N. Federal Highway where there is an existing service use. In addition, the applicant must construct a new manhole within the vacated area, and provide plans showing the relocation or removal of the existing gravity sewer line outside of the proposed utility easement for continuity of service to the property located at 850 N. Federal Highway. The utility letters along with the applicant's narratives are provided as Exhibit 3.

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 City's Public Works Department issued a letter of no objection with conditions that a utility easement is retained on NE 6th Terrace, adjacent to 850 N. Federal Highway, where there is an existing service use. In addition, the applicant must construct a new manhole within the vacated area, and provide plans showing the relocation or removal of the existing gravity sewer line outside of the proposed utility easement for continuity of service to the property located at 850 N. Federal Highway. These conditions can be found in this staff report. The proposed right-of-way vacation will not affect the adequacy of the public services and facilities with the conditions of approval. Criteria specific to any associated development plan will be applied at the time of site plan review.

Public Participation

This application 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 January 15, 2025 in order to offer the neighborhood associations surrounding the property the opportunity to learn about the proposed project. The meeting notification was sent to the Victoria Park Civic Association, Flagler Village Civic Association and neighbors within 300-feet of the proposed right-of-way vacation. The public participation summary and affidavit are provided as Exhibit 4.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of four signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The sign affidavit and photographs of the posted signs are also included in Exhibit 4.

CONDITIONS OF APPROVAL:

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

1. The ordinance shall cause to retain a twenty (20) foot public sanitary sewer easement along the centerline of the vacated Northeast 6th Terrace, commencing at the southern right-of-way boundary of Northeast 9th Street, and extending southerly along the centerline for a distance of one hundred (100) feet.
2. Applicant shall construct a new manhole within the vacated area, and provide plans showing the relocation or removal of the existing gravity sewer line outside of the proposed utility easement for continuity of service to the property located at 850 N. Federal Highway (Folio 494234061370).
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 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 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. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.

PLANNING & ZONING BOARD REVIEW OPTIONS:

Pursuant to ULDR Section 47-24.6.3, the Planning and Zoning Board shall consider the application for vacation of right-of-way and the record and recommendations forwarded by the Development Review Committee, and shall hear public comment on the application.

If the Planning and Zoning Board determines that the application meets the criteria for vacation, the recommendation shall be forwarded to the City Commission for consideration. If the Planning and Zoning Board determines that the criteria for vacation have not been met, the Board shall deny the application and the procedures for appeal to the City Commission as provided in Section 47-26B, Appeals, shall apply.

EXHIBITS:

1. Location Map and Sketch and Legal Description
2. August 27, 2024, DRC Comment Report and Responses
3. Application, Applicant's Narratives and No Objection Letter
4. Public Participation Affidavit and Meeting Summary