



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

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

DATE: December 17, 2013

TITLE: QUASI-JUDICIAL – FIRST READING OF ORDINANCE – Vacation of a 20-foot Right-of-Way - Case 16P13

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 20-foot wide, 2,000 square-foot portion of right-of-way located south of NE 5th Street, between Federal Highway and NE 7th Avenue, associated with the proposed development of new retail/office space and surface parking on the development block of the existing Fresh Market grocery store and PNC Bank.

Background

The proposed vacation completes the vacation of the alley through this block. The alley right-of-way is being replaced with a landscaped driveway with sidewalks, running through the parking areas of the shopping center, connecting NE 4th and NE 5th Streets.

Pursuant to the Unified Land Development Regulations (ULDR), Section 47-24.6, Vacation of Right-of-Way, the project was reviewed by the Planning and Zoning Board (PZB) on October 16, 2013, and recommended for approval by a vote of 9-0. The application, minutes and report of the PZB are available as Exhibits 2, 3 and 4 respectively. The sketch and legal description are provided in the attached ordinance.

The application is subject to ULDR Section 47-24.6, Vacation of Right-of-Way, subject to the following criteria:

- A. The right-of-way or other public place is no longer needed for public purposes; and
- B. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and
- C. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and

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

Although the right-of-way is proposed to be vacated, a perpetual access easement will be provided by the applicant, maintaining vehicular and pedestrian public access from NE 4th Street thru to NE 5th Street. The public access will be enhanced through an improved asphalt drive and pedestrian improvements, including walkways and shade trees. The modified route will improve safety and access to the site. A letter of no objection has been provided by utility companies and relocation agreements with FPL and AT&T will be finalized prior to final approval.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Development Review Committee and the Planning and Zoning Board and shall hear public comment on the application when determining whether the vacation request meets the criteria for vacation of right-of-way.

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 Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 1: Be a pedestrian friendly, multi-modal City

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

Conditions

That the applicant shall:

1. Convey a public pedestrian and vehicular access easement ("Access Easement") over the above-described right-of-way, such location to be as approved by the City Engineer to be constructed and maintained by the owner of the property underlying the easement.
2. Relocate or abandon existing utilities within the vacated right-of-way as approved by the City Engineer.

Attachments:

Exhibit 1 – Location Map

Exhibit 2 - Application

Exhibit 3 - Staff report from October 16, 2013 Planning and Zoning Board meeting

Exhibit 4 - Final minutes from October 16, 2013 Planning and Zoning Board meeting

Exhibit 5 - Ordinance

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