



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

**#17-1322**

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

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

**DATE:** November 7, 2017

**TITLE:** Quasi-Judicial – Ordinance Vacating a Right-of-Way Located South of SW  
11<sup>th</sup> Court, East of SW 28<sup>th</sup> Avenue, North of SW 12<sup>th</sup> Street and West of  
SW 27<sup>th</sup> Avenue – St. Thomas Aquinas High School Inc. - SW 27<sup>th</sup>  
Terrace – V17006

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**Recommendation**

It is recommended that the City Commission adopt an ordinance vacating a 60-foot wide by approximately 250-foot long right-of-way located south of SW 11<sup>th</sup> Court, east of SW 28<sup>th</sup> Avenue, north of SW 12<sup>th</sup> Street and west of SW 27<sup>th</sup> Avenue, as part of a parking lot expansion project proposed at 2801 SW 12<sup>th</sup> Street and associated with the Saint Thomas Aquinas High School.

**Background**

The applicant, St. Thomas Aquinas High School Inc., requests to vacate a portion of SW 27<sup>th</sup> Terrace right-of-way running north and south between SW 11<sup>th</sup> Court and SW 12<sup>th</sup> Street. The street transects a site where a proposed parking expansion for St. Thomas Aquinas High School is proposed. An associated rezoning application is also scheduled on this agenda (Commission Agenda Memorandum #17-1099). The location map of the proposed vacation is included as part of Exhibit 1.

The project was reviewed by the Planning & Zoning Board (PZB) on August 16, 2017, and recommended for approval by a vote of 7-0. Letters of no objection have been received from all of the franchise utilities as well as the City's Public Works Department. The applicant's narratives and the utility letters of no objection are attached as Exhibit 2. The PZB staff report and meeting minutes are attached as Exhibit 3 and 4, respectively. The sketch and legal description are provided as part of the ordinance, attached as Exhibit 5.

Pursuant to Section 47-24.6 of the Unified Land Development Regulations (ULDR), Vacation of Right-of-Way, the application shall be reviewed in accordance with the following criteria:

- a. *The right-of-way or other public place is no longer needed for public purposes;*

The subject portion of the right-of-way is no longer needed for public purposes. The street runs north and south between SW 11<sup>th</sup> Court and SW 12<sup>th</sup> Street through a site that currently provides parking for St. Thomas Aquinas High School. It does not provide pedestrian or vehicular access for the public.

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

Alternate routes along SW 27<sup>th</sup> Avenue and SW 28<sup>th</sup> Avenue are available and do not cause adverse impacts to surrounding areas.

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

The closure of SW 27<sup>th</sup> Terrace will not affect circulation around the site. Vehicles will be able to exit the area along SW 12<sup>th</sup> Street and SW 11<sup>th</sup> Court.

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

The street closure will not adversely impact pedestrian traffic. Pedestrian improvements are proposed around the perimeter of site as part of a proposed parking lot expansion.

- 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.*

Letters of no objection have been received from all applicable franchise utilities and the applicant is coordinating how to address existing facilities and future service. All providers state they have no objection to the proposed street vacation as long as the existing facilities are relocated by the applicant. Teco Peoples Gas has no facilities in the area to be vacated. The letters of no objection are attached as Exhibit 2.

### **Conditions**

Should the City 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 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, 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 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**

#17-1099

### **Attachments**

Exhibit 1 - Location Map

Exhibit 2 - Utility Letters

Exhibit 3 - PZB Staff Report

Exhibit 4 - PZB Minutes from August 16, 2017 meeting

Exhibit 5 - Ordinance, Sketch & Legal

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