



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

FROM: Greg Chavarria, City Manager

DATE: September 6, 2022

TITLE: Second Reading – Quasi-Judicial Ordinance Vacating a Right-of-Way Identified as a 28-foot wide by 304-foot-long Portion of SE 10th Court located North of SE 11th Street, South of the Tarpon River, West of SE 4th Avenue and East of SE 3rd Avenue – United States of America – Case No. UDP-V21005 – **(Commission District 4)**

Recommendation

Staff recommends the City Commission consider an ordinance vacating a 28-foot wide by 304-foot-long portion of right-of-way also known as SE 10th Court located north of SE 11th Street, south of the Tarpon River, west of SE 4th Avenue and east of SE 3rd Avenue.

Background

On July 5, 2022, the City Commission approved Resolution 22-154 authorizing the City Manager to execute and deliver a letter of intent and to negotiate a proposed exchange agreement with the United States Government General Services Administration. The letter of intent memorialized the components of the proposed exchange agreement which include the vacation of certain City roadways. As such, City of Fort Lauderdale staff requests to vacate a 28-foot wide by 303.92-foot-long portion of public right-of-way known as SE 10th Court running east and west between SE 4th Avenue and SE 3rd Avenue to construct a Federal Courthouse. The portion of SE 10th Court proposed to be vacated is located south of the Tarpon River and north of SE 11th Street. A Location Map and the Sketch and Legal Description for the Proposed Vacation are attached as Exhibit 1 and Exhibit 2, respectively.

The vacation request was reviewed by the Development Review Committee (DRC) on November 30, 2021. All comments have been addressed and are available on file with the Development Services Department (DSD). The December 14, 2021, DRC Comments are attached as Exhibit 3. The item was reviewed by the Planning and Zoning Board (PZB) on May 18, 2022, and was recommended for approval by a vote of 6-0, subject to conditions as contained in the PZB Staff Report and restated herein. The May 18, 2022, PZB Staff Report and Meeting Minutes are attached as Exhibit 4 and Exhibit 5, respectively.

On August 16, 2022, the City Commission held a public hearing where the item was approved for second reading in a vote of 4 to 0.

Review Criteria:

The following Unified Land Development Regulations (ULDR) criteria apply:

- Section 47-24.6, Vacation of Rights-of-Way

Vacation of Rights-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.

This segment of right-of-way only serves the applicant's properties abutting this portion of SE 10th Court, all of which are included in the proposed redevelopment project for the new Federal Courthouse and is no longer needed as right-of-way for public purposes.

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

The portion of SE 10th Court that is proposed to be vacated only serves the properties within the proposed Federal Courthouse redevelopment project site. Alternative public access routes exist in and around adjacent streets without any impacts on circulation in the immediate area. Access from SE 3rd Avenue to South Federal Highway via SE 11th Street will remain unchanged.

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

The proposed right-of-way vacation does not create any dead-end conditions. Vehicles will still be able to navigate SE 3rd Avenue and SE 11th Street.

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

This segment of right-of-way only serves the applicant's properties abutting this portion of SE 10th Court. Future development plans will be required to include improved sidewalks along all street frontages, including on SE 3rd Avenue and SE 11th Street which will facilitate improved pedestrian connectivity from SE 3rd Avenue to South Federal Highway.

- 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;

There are currently franchise and public utilities within the subject right-of-way. The applicant coordinated with the franchise utilities to address facilities existing

within the vacation area. Letters of no objection have been obtained from the franchise utilities and the City's Public Works Department. If required by the affected agencies, the applicant will grant utility easements. The applicant will relocate utilities within the portion of the right-of-way to be vacated at their sole expense. The Utility Relocation plan is provided as Exhibit 6.

The Application, Narrative Responses and Utility Letters regarding the project's compliance with ULDR Section 47-24.6.A.4., Vacation of Right-of-Way are attached as Exhibit 7.

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 applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department, unless otherwise stipulated in an agreement between the City and the applicant;
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, 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 supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Nurture and support existing local businesses

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

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Intergovernmental Coordination Focus Area
- Intergovernmental Coordination Element
- Goal 1: Coordinate all development activities and service delivery with other government agencies and adjacent municipalities for consistency with the City's

adopted Comprehensive Plan.

Related CAMs

#22-0833

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Sketch and Legal Description of Proposed Vacation

Exhibit 3 – December 14, 2021, DRC Comments

Exhibit 4 – May 18, 2022 PZB Staff Report

Exhibit 5 – May 18, 2022 PZB Meeting Minutes

Exhibit 6 – Utility Relocation Plans

Exhibit 7 – Application, Narrative Responses and Utility Letters

Exhibit 8 – Ordinance

Prepared By: Tyler Laforme, Urban Planner III

Department Director: Christopher Cooper, AICP, Development Services Department