



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

#24-0567

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

FROM: Susan Grant, Acting City Manager

DATE: July 2, 2024

TITLE: Quasi-Judicial Resolution Vacating a 20-Foot Wide by 136-Foot Long
Drainage Easement Located West of NE 32nd Avenue, East of the
Intracoastal Waterway, North of Oakland Park Boulevard and NE 32nd
Street– Case No. UDP-EV23002 - (**Commission District 1**)

Recommendation

Staff recommends the City Commission consider a resolution vacating a 20-foot-wide by 136-foot-long drainage easement located west of NE 32nd Avenue, east of the Intracoastal Waterway, north of Oakland Park Boulevard and NE 32nd Street.

Background

The applicant, Integra Real Estate, LLC., requests to vacate a 20-foot-wide by 136-foot-long drainage easement in order to construct a 70-room hotel with 7,725 square feet of retail space, Case No. UDP-S23021. The existing drainage easement was dedicated to the City of Fort Lauderdale in 2016 by Instrument Number 113882967 of the Public Records of Broward County.

As a condition of approval from the City's Public Works Department, a new 20-foot drainage easement shall be granted along the northern property line, based on the plans reviewed by the Public Works Department. Additionally, there is a portion of the building that will overhang the new drainage easement and there is a condition requiring the building maintain a minimum of 20 feet of vertical clearance. A Location Map is attached as Exhibit 1.

The City's Development Review Committee (DRC) reviewed the easement vacation application on May 23, 2023. The Application, Narrative Responses to Criteria and No Objection Letter from the City's Public Works Department are attached as Exhibit 2. The May 23, 2023, DRC Comment Report and Applicant's Response to Comments is attached as Exhibit 3. The Sketch and Legal Description of the proposed easement vacation is attached as Exhibit 4.

Review Criteria

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-24.7,

Vacation of Easement, the City Commission is to consider the application and the record, recommendations forwarded by the DRC and shall hear public comment on the application to determine whether the application meets the following criteria for vacation of an easement:

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

The letter of no objection from the City of Fort Lauderdale's Public Works Department is included in this submission stating that they have no objection to the vacation of the easement on the owner's property. The existing drainage easement will be relocated at the applicant's expense along the northern property line and a new 20-foot drainage easement will be dedicated to the City of Fort Lauderdale. Additionally no private utilities are to be located within the proposed drainage easement.

- 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;*

Applicant has provided a letter of no objection from the City's Public Works Department. As a condition of approval from the City's Public Works Department, a new 20-foot drainage easement shall be granted as shown in the plans reviewed by Public Works.

Conditions of Approval

Should the City Commission approve the proposed vacation, the following conditions shall be completed prior to issuance of the engineer certificate:

1. At applicant cost, a new stormwater drainage system shall be designed, permitted, and constructed as accepted by the City Engineer.
2. Applicant shall grant a new twenty (20) foot exclusive drainage easement over the new stormwater system. No trees, fences, other utilities, or structures shall remain or be installed over the granted easement. The proposed building overhang that overlaps the proposed drainage easement shall have a minimum of 20 feet of vertical clearance.
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 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.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a FY 2024 Commission Priority, advancing the Infrastructure and Resilience initiative.

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Infrastructure Focus Area, Goal 3: Be a sustainable and resilient community.

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

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

- The Infrastructure Focus Area
- The Sanitary Sewer, Water and Stormwater Element
- Goal 7: Ensure coordination of infrastructure improvements

Attachment

Exhibit 1 – Location Map

Exhibit 2 – Application, Narrative Responses to Criteria, No Objection Letter from the City's Public Works Department

Exhibit 3 – May 23, 2023, DRC Comment Report and Response to Comments

Exhibit 4 – Sketch and Legal Description

Exhibit 5 – Resolution

Prepared by: Nancy Garcia, Urban Planner II, Development Services Department

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