

Applicant/Developer: Holman Automotive, Inc.  
Project: Vacation of a portion of NE 7<sup>th</sup> Avenue  
Case No.:  
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Dated: February 2, 2012

## RIGHT-OF-WAY VACATION AND ADEQUACY REQUIREMENTS NARRATIVE

The Applicant is seeking to vacate the right-of-way located on a portion of NE 7<sup>th</sup> Avenue, between E. Sunrise Boulevard and NE 9<sup>th</sup> Street, at the real property located at the SE corner of Federal Highway and E. Sunrise Boulevard, Fort Lauderdale, Florida. This narrative is in connection with the Applicant's application to the City of Fort Lauderdale's Planning and Zoning Board.

### RIGHT-OF-WAY VACATION NARRATIVE ULDR § 47-24.6

*Criteria.* An application for a vacation of a right-of-way or other public place 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 Applicant is proposing to vacate a portion of NE 7<sup>th</sup> Avenue from the north right-of-way of NE 9<sup>th</sup> Street to the south right-of-way of East Sunrise Boulevard. The portion of NE 7<sup>th</sup> Avenue that the Applicant is proposing to vacate is not used by the general public but rather used solely as access to the adjacent properties and for garbage disposal pick-up. The right-of-way is not utilized by the public because it physically dead ends at East Sunrise Boulevard on the north side and Parker Playhouse on the south side. Additionally, the Florida Department of Transportation has previously closed access to NE 7<sup>th</sup> Avenue via East Sunrise Boulevard because of safety requirements. The properties adjacent to the right-of-way proposed to be vacated are all under the ownership of the Applicant.

**b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas.** The right-of-way area which the Applicant are proposing to vacate is not used by the general public but rather used solely as access to the adjacent properties and for garbage disposal pick-up; therefore, no alternate routes will be required to serve this area. However,

alternate access will be provided via Federal Highway and East Sunrise Boulevard and emergency vehicle access will be provided within the vacated portion of the roadway.

**c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area.** As illustrated above, the portion of the right-of-way that the Applicant is proposing to vacate is not utilized by the general public. Sufficient space will be provided within the vacated portion of roadway for adjacent property owners, emergency vehicles and garbage trucks to turn around and exit the area. Additionally, alternate access will be provided via Federal Highway and East Sunrise Boulevard.

**d. The closure of a right-of-way shall not adversely impact pedestrian traffic.** The proposed vacation will not adversely affect pedestrian travel on or along NE 7<sup>th</sup> Avenue as it is currently not utilized by pedestrians. There are no continuous sidewalks within the vacated portion of roadway in its present configuration.

**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.** As part of the proposed development, all utilities located within the vacation area will remain in their existing location and new easements will be provided for the utilities to continue their operation and maintenance. All affected utility franchises have provided letters of no objection to the vacation.

#### ADEQUACY REQUIREMENTS

##### NARRATIVE

##### ULDR § 47-25.2

The adequacy requirements shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

A. Communications network. The vacation of the road right-of-way will not affect City communications. At this time, no buildings or structures are proposed within the right-of-way area, thus no interference will be created.

B. Drainage facilities. Stormwater management facilities will not be affected by the vacation of the road right-of-way. All existing utilities will remain in their current location.

C. Environmentally sensitive lands. No known environmentally sensitive lands are located within or adjacent to the NE 7<sup>th</sup> Avenue right-of-way proposed for vacation.