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

**FROM:** Lee Feldman, City Manager

**DATE:** November 6, 2012

**TITLE:** Resolution - Utility Easement Vacation – Broward County / Broward County Courthouse - Case 14M12

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**Recommendation**

It is recommended that the City Commission adopt a resolution vacating the utility easement consistent with ULDR Sec. 47-24.7, Vacation of Easement effective upon the completion of all conditions of approval.

**Background**

The City Commission is to consider the application, the record and recommendations forwarded by the Development Review Committee (“DRC”), and public comment on the application when determining whether the application meets the criteria for vacation.

Pursuant to criteria outlined in ULDR Sec. 47-24.7, Vacation of Easement, the DRC reviewed the application on October 9, 2012, and has determined that the easement is no longer needed for public purpose further evidenced by letters provided by the applicant from the appropriate utility companies. The application and the record and report of the DRC are available for review upon request. The sketch and legal description are provided for in the attached resolution.

The applicant proposes to vacate a utility easement, generally located north of the 7<sup>th</sup> Street and east of South Andrews Avenue, in association with the proposed off-site parking garage for the Broward County Courthouse project. The location map is attached as Exhibit 1. The Applicant’s narrative and responses to criteria are attached as exhibit 2.

The vacation of the public utility easement is necessary in order to place the parking garage foundation at this location. Currently, a ten (10) inch gravity sewer line, a private on-site drainage pipe, and overhead power and communication lines exist within the easement. The sewer line will be cut-off, rerouted and connected to another existing sewer line at the eastern property boundary and new easements will be conveyed to the utilities to provide for the undergrounding of the power and communication lines.

Should the Commission approve the proposed vacation, staff proposes the following conditions:

1. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer. All improvements constructed within the easement shall conform to City engineering standards;
2. The vacating resolution 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.

**Attachments:**

Exhibit 1 - Location Map

Exhibit 2 – Applicant's Narrative and Responses

Exhibit 3 - Resolution

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