



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

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

**DATE:** April 3, 2018

**TITLE:** Quasi-Judicial – Ordinance Vacating an Alley Right-of-Way for the RD Las  
Olas Development – Charles Humphries, Related Development LLC – 201  
S. Federal Highway between Las Olas Boulevard and SE 2<sup>nd</sup> Street–  
V17012

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**Recommendation**

It is recommended that the City Commission adopt an ordinance vacating a 14-foot- wide by approximately 240-foot-long alley right-of-way associated with the RD Las Olas development (Case # R17048) located at 201 S. Federal Highway between Las Olas Boulevard and SE 2<sup>nd</sup> Street.

**Background**

The site of the RD Las Olas development is bordered on its west side by a 14-foot-wide platted alley. In order to provide sufficient space for development, the alley is proposed to be vacated and replaced with a vehicular easement of the same dimensions so that the proposed parking pedestal may extend over the proposed easement. A map showing the location and extent of the proposed vacation is included as Exhibit 1.

Letters of no objection have been received from all franchise utilities as well as the City's Public Works Department.

The project was reviewed and approved by the Planning & Zoning Board (PZB) on January 17, 2018 by a vote of 6-0. The applicant's narratives and utility letters 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 Unified Land Development Regulations (ULDR) Section 47-24.6, Vacation of Rights-of-Way, an application for a vacation of a right-of-way 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 alley right-of-way is 14-feet wide. The alley abuts the proposed redevelopment site for the "RD Las Olas" mixed use project on its east side. The lots comprising the site are being assembled under single ownership. The abutting owner on the west side has agreed to convey the west half of the vacated alley to be included in the redevelopment site. The remaining portion of the alley right-of-way will continue to have public access through the dedicated easement provided by the applicant.

The applicant is proposing to grant a 14-foot wide public access easement, corresponding to the vacated portion of the alley to provide for continuous access between Las Olas Blvd. and SE 2<sup>nd</sup> Street. The subject alley right-of-way segment is not currently being used for pedestrian circulation. The applicant will also grant easements for relocated utilities existing in this portion of the alley, as needed.

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

The proposal will not adversely impact connectivity. The applicant is proposing to grant an access easement over the vacated alley right-of-way, connecting the remaining portion of the alley to SE 2<sup>nd</sup> Street. A new sidewalk will be constructed as part of the RD Las Olas development for pedestrian circulation.

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

An access easement is being proposed over the vacated alley right-of-way to maintain a connection between SE 2<sup>nd</sup> Street and Las Olas Boulevard and a turnaround is not necessary.

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

The alley does not currently serve pedestrian traffic. Enhanced sidewalks will be provided along the south side of SE 2<sup>nd</sup> Street and the west side of SE 6<sup>th</sup> Avenue abutting the project site.

- 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 existing franchise and public utilities within the subject alley right-of-way. The applicant will coordinate with the franchise utilities to address any facilities existing within this portion of the alley and if any are required to be relocated. The upstream end of the sanitary sewer located in the alley is planned to remain. The existing drainage through the alley (serving the parcel to the west) will be re-routed to retain the service to said parcel, without impact to the City's infrastructure.

Letters of no objection have been received from the franchise utilities and the City's Public Works Department. The utility letters are provided as part of 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. If acceptable to the City Engineer, in lieu of relocating all city utilities within the vacated area, the applicant shall dedicate a utility easement for city utilities that remain within the vacated area ;
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. If acceptable to the City Engineer, in lieu of relocating all other utilities within the vacated area, the applicant shall dedicate a utility easement for utilities that remain within the vacated area;
3. Prior to building permit approval, applicant's engineer shall design a new sanitary sewer manhole to be located at the south end of the vacated alleyway. The new manhole and portion of the existing 8" VCP located north of the new manhole shall be a private sewer main to be maintained by the applicant. The site plan and applicable civil drawings shall call out the demarcation point for public/private maintenance;
4. 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;
5. Applicant shall grant an access easement over the vacated alley right-of-way to maintain the existing vehicular connection between SE 2nd Street and Las Olas Boulevard.

### **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 Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 1: Be a pedestrian friendly, multi-modal City.
- Objective 2: Integrate transportation land use and planning to create a walkable and bikeable community.

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

### **Attachments**

Exhibit 1 – Location Map

Exhibit 2 – Application, Narratives, Utility and Authorization Letters

Exhibit 3 - January 17, 2018 PZB Staff Report

Exhibit 4 - January 17, 2018 PZB Minutes

Exhibit 5 - Ordinance

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