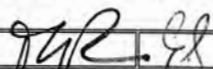




**REQUEST:** Right-of-Way Vacation

<b>Case Number</b>	V16004
<b>Applicant</b>	New River III, LLC
<b>General Location</b>	416 SW 1st Avenue, between South Andrews Avenue and SW 1st Avenue and north of SW 5th Street.
<b>Property Size</b>	2,800 Square Feet of Public Foot Right-of-Way
<b>Zoning</b>	Regional Activity Center-City Center – RAC-CC
<b>Existing Use</b>	Public Right-of-Way
<b>Future Land Use Designation</b>	Downtown Regional Activity Center
<b>Applicable ULDR Sections</b>	Sec. 47-24.6 Vacation of Right-of-Way
<b>Notification Requirements</b>	Sec. 47-27.6 Sign Posting 15 days prior to meeting; Sec. 47-27.6 Mail Notice 10 days prior to meeting. Sec. 47-27.4. Public Participation
<b>Action Required</b>	Recommend Approval of Vacation to City Commission, or Deny
<b>Project Planner</b>	Randall Planner, III 

**PROJECT DESCRIPTION:**

The applicant requests the vacation of a 14-foot wide, 2,800 square-foot portion of right-of-way located between South Andrews Avenue and SW 1st Avenue on the north side of SW 5th Street. The vacation request will allow the applicant to construct a mixed-use development on a site currently bifurcated by the subject alley right-of-way. A sketch and legal description of the subject portion of right-of-way proposed to be vacated is provided as Exhibit 1.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on November 22, 2016. All comments have been addressed and are on file with the Department of Sustainable Development.

**REVIEW CRITERIA:**

As per ULDR Section 47-24.6.A.4, the request is subject to the following criteria:

- a. *The right-of-way or other public place is no longer needed for public purposes;*

The subject segment of alley is not needed for public access nor is it used as a pedestrian access way. The applicant will grant easements for relocated utilities as needed. In addition, the applicant will grant an 8-foot-wide access easement alongside the remaining alley right-of-way to provide for a 22-foot wide public thoroughfare where the alley is to remain, and a 20-foot wide easement to connect the north end of the resulting public right-of-way with SW 1st Avenue to the west.

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

The property located on the west side of the alley has full access to SW 1st Avenue, as well as SW 5th Street on its south side. The applicant is proposing to grant a 20-foot wide east-west access easement through the project garage, connecting the northern terminus of the 22-foot wide north-south alley and the easement to SW 1st Avenue.

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

A 20-foot-wide access easement is proposed through the project garage in lieu of a turn-around to provide a connection to SW 1<sup>st</sup> Avenue for vehicles traveling north on the remaining alley right-of-way.

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

The alley does not currently serve pedestrian traffic. As part of the proposed development a sidewalk will be provided along the east side of the alley within the new easement.

- 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 work with the franchise utility companies to arrange for the removal and/or relocation of existing facilities within the subject portion of right-of-way. The upstream end of the sanitary sewer located in the alley will be vacated and a new manhole constructed at the south end of the area proposed to be vacated. Associated letters from subject utility companies are provided as Exhibit 2. Applicant's response narratives to the criteria are provided as part of Exhibit 3, the submittal package.

### **PUBLIC PARTICIPATION**

The Right-of-Way Vacation request is subject to the public participation requirements established in ULDR Sec. 47-27.4. According to the applicant, 2 public participation meetings were held, the first on June 14, 2016 and the second on December 14, 2016, in order to offer the neighborhood associations surrounding the property the opportunity to learn about the proposed vacation.

Applicant's submittal regarding the public participation requirements and affidavits are provided as Exhibit 4.

### **STAFF FINDINGS:**

Staff recommends the Board approve this request, consistent with:

ULDR Section 7-24.6, Vacation of Right-of-Way; and  
ULDR Section 47-25.2, Adequacy Review

The applicant has provided narrative responses to the criteria, attached as Exhibit 3. Staff concurs with applicant's assessment and finds that the application meets the requirements.

### **STRATEGIC CONNECTIONS**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Business Development Cylinder of Excellence, specifically advancing:

- Goal 7: Be a well- positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port, and rail connections.
- Objective 2: Facilitate a responsive and proactive business climate.

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

**CONDITIONS OF APPROVAL:**

Should the Board approve the proposed vacation, the following conditions apply:

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 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.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

As per ULDR Section 47-24.6.3, the Planning and Zoning Board shall consider the application for vacation-of-right-of-way and the record and recommendations forwarded by the DRC, and shall hear public comment on the application.

If the Planning and Zoning Board determines that the application meets the criteria for vacation, the recommendation shall be forwarded to the City Commission for consideration. If the Planning and Zoning Board determines that the criteria for vacation have not been met, the Board shall deny the application and the procedures for appeal to the City Commission as provided in Section 47-26B, Appeals, shall apply.

**Exhibits**

1. Sketch and Legal Description
2. Utility Letters
3. Applicant's Narratives
4. Public Participation Information