



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

#24-0136

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

FROM: Greg Chavarria, City Manager

DATE: February 6, 2024

TITLE: Quasi-Judicial Resolution Vacating a 5-foot Portion of a Drainage Facilities Easement that is 120-Feet in Length and 15-Feet in Width Located at 2301 Delmar Place – Joanne Low – Case No. UDP-EV22007 – (**Commission District 2**)

Recommendation

Staff recommends the City Commission consider a resolution vacating a 5-foot portion of a drainage facilities easement that is 120-feet in length and 15-feet in width located at 2301 Delmar Place.

Background

The Applicant, Joanne Low, requests to vacate a 5-foot portion of a drainage facilities easement that is 120-feet in Length and 15-feet in width located at 2301 Delmar Place. The north-south 15-foot-wide drainage facilities easement intersects the property. The drainage facilities easement is recorded in Official Records Book 5251, Page 492 of the Public Records of Broward County. The easement currently contains underground drainage infrastructure which is required to be relocated per the proposed relocation plan provided with the application. The property is located in the Residential Single Family/Low Density (RS-4.4) zoning district with an underlying land use of Residential Low. A location map is attached as Exhibit 1.

The City's Development Review Committee (DRC) reviewed the easement vacation application on December 13, 2022. The Application, Applicant's Narratives, and Utility Letters stating no objection to the vacation are attached as Exhibit 2. The December 13, 2022 DRC Comment Report is attached as Exhibit 3. The DRC Comment Report with Applicant's Response is attached as Exhibit 4. The Sketch and Legal Description of the Proposed Vacation is attached as Exhibit 5.

The City Commission shall consider the application, the record, and public comment on the application when determining whether the application meets the criteria for vacation. 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 and 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 vacation of a 5-foot portion of the drainage facilities easement will leave a remaining 10-foot easement. The Property Owner is proposing to replace 120' of drainage pipe from the Property line to the waterway with a new drainage pipe within the remaining 10-foot portion of the 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;*

Any existing utilities will be vacated or relocated, if necessary. As previously stated, the Property Owner is proposing to replace 120' of drainage pipe from the Property line to the waterway.

Should the City Commission determine that the proposed application meets the criteria for vacation of easement, the following conditions apply:

1. Any utilities unknown found to be within the easement shall be relocated pursuant to a relocation plan at the expense of the Applicant, and an easement in a different location shall be provided by the owner to the satisfaction of the city. The relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
2. At the applicant's cost, a new outfall pipe shall be permitted and constructed to meet the relocation plan's intent and the City's Public Works Department requirements as specified in the No Objection Letter dated January 11, 2024.
3. This vacation approval shall expire in 24 months from the date of final passage of the resolution if the required certificate executed by the City Engineer has not been recorded in the public records of Broward County, Florida.
4. 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.

Strategic Connections

This item supports the Press Play Fort Lauderdale Strategic Plan 2024, specifically advancing:

- The Infrastructure Focus Area.
- Goal 1: Build a sustainable and resilient community.
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure.

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

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

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatibility of uses.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Application, Applicant’s Narratives and Utility Letters

Exhibit 3 – December 13, 2022, DRC Comment Report

Exhibit 4 – DRC Comment Report with Applicant’s Response

Exhibit 5 – Sketch and Legal Description of the Proposed Vacation

Exhibit 6 – Resolution

Prepared by: Yvonne Redding, Urban Planner III, Development Services Department

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