



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

#24-0118

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 Six-foot-wide by 125-foot-long
Drainage Easement – Case No. UDP-EV23005 - 600 Solar Isle Drive -
(Commission District 2)

Recommendation

Staff recommends the City Commission consider a resolution vacating a six-foot-wide by 125-foot-long drainage easement located at 600 Solar Isle Drive.

Background

The applicant, 600 Solar Isles, LLC., submitted a master building permit for the construction of a new single-family home, and at the time of review a drainage easement was identified directly under the building envelope of the proposed single-family home. Issuance of the master building permit is contingent upon vacation of the drainage easement. The existing drainage easement was granted in 1947 in Official Records Book 580, Page 377 of the Public Records of Broward County.

According to the letters of no objection from utility providers TECO, AT&T, FPL and Comcast, there are no active utilities located within the drainage easement. As a condition of approval from the City's Public Works Department, a new 10-foot exclusive drainage easement shall be granted over a new 15-inch outfall pipe as shown in the plans reviewed by the Public Works Department. The subject easement is on property located in the Residential Single-Family/Low-Medium Density (RS-8) zoning district with underlying land use of Low-Medium Residential. A location map is attached as Exhibit 1.

The City's Development Review Committee (DRC) reviewed the easement vacation application on August 22, 2023. The application, applicant's narratives, and utility letters stating no objection to the vacation are attached as Exhibit 2. The August 22, 2023, DRC comment report is attached as Exhibit 3. The DRC comment report with applicant's responses is attached as Exhibit 4. The sketch and legal description of the proposed easement vacation is attached as Exhibit 5.

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, 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;*

Letters of no objection from the utility companies are included in this submission, stating that they have no objection to the vacation of the easement on owner's property. According to the letters of no objection, there are no active utilities located within the drainage easement. Therefore, this easement is no longer needed for public purposes.

- 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;*

Applicant has provided letters of no objection from TECO, AT&T, FPL, Comcast, and the City's Public Works Department. As a condition of approval from the City's Public Works Department, a new 10-foot exclusive drainage easement shall be granted over the new 15-inch outfall pipe as shown in the plans reviewed by Public Works.

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

1. Applicant shall grant or facilitate the granting of a new 10-foot drainage easement to the City of Fort Lauderdale. The 10-foot drainage easement may be granted over the Applicant's property and portions of adjacent properties that are contiguous to the portions of the easement granted on the Applicant's property.
2. At the applicant's cost, a new 15-inch outfall pipe shall be permitted and constructed within the 10-foot exclusive drainage easement granted pursuant to condition 1.
3. Any 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.
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. 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 recorded in the public records of Broward County, Florida.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a 2024 Commission Priority, advancing the Infrastructure and Resilience initiative.

This item supports the Press Play Fort Lauderdale Strategic Plan 2024, included within the Business Development Cylinder of Excellence, 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, Narratives and Utility Letters

Exhibit 3 – August 22, 2023 DRC Comment Report

Exhibit 4 – Applicant’s Response

Exhibit 5 – Sketch and Legal Description

Exhibit 6 – Resolution

Prepared by: Nancy Garcia, Development Services Department

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