



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

**#17-1075**

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

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

**DATE:** September 6, 2017

**TITLE:** Quasi-Judicial – Ordinance Vacating a Right-of-Way (alley) located at –  
ArchCo Metropolitan - BR ArchCo Flagler Village, LLC – 500, 540, 560 N.  
Andrews Avenue – V17002

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**Recommendation**

It is recommended that the City Commission adopt an ordinance vacating a 15-foot wide by approximately 650-foot long alley right-of-way at the ArchCo Metropolitan development located at 500, 540, & 560 N. Andrews Ave.

**Background**

The site of the ArchCo Metropolitan development is bifurcated by a 15-foot-wide platted alley, which is bounded on both sides by property owned by the applicant, and will be included in the development project. 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 of the franchise utilities as well as the City's Public Works Department.

Pursuant to Section 47-24.6 of the Unified Land Development Regulations (ULDR), Vacation of Right-of-Way, the project was reviewed and approved by the Planning & Zoning Board (PZB) on April 18, 2017 by a vote of 5-0. The applicant's narratives and the utility letters are attached as Exhibit 2. The PZB Staff Report and Meeting Minutes are attached as Exhibit 3 and 4. The sketch and legal are provided as part of the ordinance attached as Exhibit 5.

An application for a vacation of a right-of-way (alley) 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;*

Applicant owns all parcels abutting the alley and plans to construct a mixed use development on the entire City block. Applicant is providing adequate

access to the site and therefore the alley is no longer necessary to serve the existing parcels.

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

Alternate pedestrian and vehicular paths are provided along North Andrews Avenue and NE 1<sup>st</sup> Avenue which serve the same purpose as the alley. In addition, the applicant will be improving the sidewalks along North Andrews Avenue and NE 1<sup>st</sup> Avenue. Therefore, the alley is no longer necessary as a pedestrian access-way from NE 5<sup>th</sup> Street to NE 6<sup>th</sup> Street.

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

The closure of the 15-foot-wide alley will not impact any vehicle's ability to turn around and exit the area because the entire City block is being redeveloped with adequate ingress and egress access to the site. Alternate pedestrian and vehicular paths are provided along North Andrews Avenue and NE 1<sup>st</sup> Avenue, which serve the same purpose as the alley.

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

The closure of the 15-foot alley will not adversely impact pedestrian traffic. Applicant is constructing new sidewalks around the property and improving the existing sidewalks.

- 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.*

The applicant has provided letters of no objection, subject to relocation of utilities as necessary, from utility companies including FPL, TECO, AT&T, Comcast, and the City's Public Works Department. The letters are attached as 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;
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; and,
  3. 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. The certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City.
  4. The right-of-way vacation is conditioned upon the Applicant meeting all dedication requirements of the Broward County Trafficway Plan along Sistrunk 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 Public Safety 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: Enhance the beauty, aesthetics and environmental quality of neighborhoods.

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

**Attachments**

- Exhibit 1 - Location Map
- Exhibit 2 - Applicant's Narratives and Utility Letters
- Exhibit 3 - PZB Staff Report from April 18, 2017 meeting
- Exhibit 4 - PZB Minutes from April 18, 2017 meeting
- Exhibit 5 - Ordinance

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