



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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: January 8, 2013

TITLE: Ordinance – Vacation of Right-of-Way – French Village
Case 11-P-12

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 5-foot wide, 750 square-foot portion of SE 9th Street, located at 101 SE 9th Street, effective upon the completion of all conditions of approval consistent with ULDR Section 47-24.6, Vacation of Right-of-Ways.

Background

The applicant is requesting the vacation of the portion of the subject right-of-way to create a consistent project boundary and streetscape that will meet the intent of the Downtown Master Plan Design Guidelines as part of the associated site plan for the “French Village” development, a multi-family residential project which was reviewed by the Development Review Committee on August 28, 2012 and is anticipated to be scheduled on an upcoming City Commission agenda.

The project was reviewed by the Planning and Zoning Board on October 17, 2012, and approved by a vote of 8-0. The applicant’s narrative, minutes and report of the PZB are available as Exhibits 2, 3 and 4 respectively. The sketch and legal are provided in the attached ordinance.

The application is subject to the criteria as indicated in ULDR *Section 47-24.6, Vacation of Right-of-Way*, which includes the following:

- a. The right-of-way or other public place is no longer needed for public purposes; and
- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and
- c. The closure of a right-of-way provides safe areas for vehicles to turn

around and exit the area; and

- d. The closure of a right-of-way shall not adversely impact pedestrian traffic;
- 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 application meets the criteria as indicated in ULDR Section 47-24.6, Vacation of Right-of-Way. The proposed vacation of the subject portions of the rights-of-ways is in keeping with the streetscape design, as defined in the Downtown Master Plan, and public access will be maintained and improved.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Development Review Committee and the Planning and Zoning Board (“PZB”) and shall hear public comment on the application when determining whether the vacation request meets the criteria for vacation of right-of-way.

Should the Commission approve the proposed vacation, staff proposes the following conditions:

1. Applicant dedicates a 5-foot pedestrian easement to the City, as provided on the site plan for the associated “French Village” multi-family residential project;
2. 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;
3. The entire area to be vacated shall be retained as an access easement or utility easement.
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.

Resource Impact

There is not fiscal impact associated with this action

Attachment(s)

Exhibit 1 – Location Map

Exhibit 2 - Applicant's narrative

Exhibit 3 - Staff report from October 17, 2012 Planning and Zoning Board meeting

Exhibit 4 - Final minutes from October 17, 2012 Planning and Zoning Board meeting

Exhibit 5 - Ordinance

Prepared by: Thomas Lodge, Planner II

Department Director: Greg Brewton, Sustainable Development