

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

<b>CASE NUMBER</b>	UDP-V23007	
<b>APPLICANT</b>	City of Fort Lauderdale	
<b>AGENT</b>	Jane Storm, Pulice Land Surveyors	
<b>GENERAL LOCATION</b>	5900 Hawkins Road	
<b>ZONING DISTRICT</b>	Commerce Center District (CC)	
<b>LAND USE</b>	Employment Center	
<b>COMMISSION DISTRICT</b>	District 1 – Commissioner John Herbst	
<b>NEIGHBORHOOD ASSOCIATION</b>	N/A	
<b>APPLICABLE ULDR SECTIONS</b>	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Requirements	
<b>NOTIFICATION REQUIREMENTS</b>	Section 47-27.6 Sign Posting 15 days prior to meeting Section 47-27.6 Mail Notice 10 days prior to meeting Section 47-27.4. Public Participation	
<b>SECTION 166.033, FLORIDA STATUTES</b>	<b>180-day Expiration Date</b>	<b>Waiver Provided</b>
	January 23, 2024	Yes
<b>ACTION REQUIRED</b>	Recommend Approval of the Vacation to the City Commission, or Deny the Application	
<b>PROJECT PLANNER</b>	Yvonne Redding, Urban Planner III	<i>YMR</i>

**PROJECT DESCRIPTION:**

The applicant requests the vacation of a 22.5-foot, 76,747 square-foot portion of 35<sup>th</sup> Avenue (Hawkins Road) right-of-way. The location map, sketch and legal description and utility easement exhibits are attached as **Exhibit 1**.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on October 10, 2023, and all comments have been addressed. The DRC comment report and responses are provided as **Exhibit 2**. The application was deferred from the April 17, 2024 Planning and Zoning Board agenda.

The City's Public Works Department, TECO Peoples Gas, Comcast, and Florida Power & Light have no objection to the vacation and no utilities are located within the right-of-way. The Application, Applicant's Narratives and letters indicating no objection to the vacation from all applicable utility providers are provided as **Exhibit 3**.

**REVIEW CRITERIA:**

The following Unified Land Development Regulations (ULDR) criteria apply to the proposed request:

- Section 47-24.6, Vacation of Right-of-Way
- Section 47-25.2, Adequacy Requirements

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

As per ULDR Section 47-24.6.A.4., Vacation of Right-of-Way, 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 portion of the right-of-way to be vacated is not needed for public purpose.

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

Alternate routes are not necessary. This portion of the right-of-way is not used by surrounding property owners. There will be no adverse impacts to the surrounding area.

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

The right-of-way to be vacated is a not needed and is not used by the surrounding property owners for access.

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

The closure of the right-of-way will 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;*

There are no utilities in the portion of the right-of way to be vacated. The applicant has obtained letters of no objection from the franchise utilities and the City's Public Works Department.

**Adequacy Requirements:**

The adequacy requirement criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed vacation. The proposed right-of-way vacation will not affect the adequacy of the public services and facilities. Criteria specific to any associated development plan will be applied at the time of site plan review.

**Public Participation**

This application is subject to the public participation requirements established in ULDR Section 47-27.4. According to the applicant, a public participation meeting was held on October 9, 2023, in order to offer the neighborhood associations surrounding the property the opportunity to learn about the proposed project. The meeting notification was sent to the neighbors within 300-feet of the proposed Right-of-Way Vacation. The public participation summary and affidavit are provided as **Exhibit 4**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of three signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The sign affidavit and photographs of the posted signs are included as **Exhibit 5**.

**CONDITIONS OF APPROVAL:**

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

1. Applicant shall provide a surveyed legal description and sketch of the new public utility easement area in a substantially similar form to the drawing attached as Exhibit B to be approved by City staff.

2. The surveyed legal and sketch area of the public utility easement of Exhibit B and plat language of Exhibit C shall be placed on the plat submitted for Case UDP-P23004.
3. The surveyed legal and sketch area of the public utility easement of Exhibit B overlapping the public right-of-way shall be vacated upon plat approval of Case UDP-P23004 and final recordation.
4. The public right of way less the surveyed legal and sketch area of the public utility easement of Exhibit B shall be vacated upon City Commission approval, provided applicant has placed the surveyed legal description and sketch of the public utility easement area and plat language on the plat submitted for Case UDP-P23004.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

Pursuant to 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 Development Review Committee, 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. Location Map, Sketch and Legal Description and Utility Easement Exhibits
2. DRC Comment Report and Responses
3. Application, Applicant's Narratives and No Objection Letters
4. Public Participation Affidavit and Meeting Summary
5. Sign Affidavit and Photographs