

REQUEST: Right-of-Way Vacation

Case Number	V14001
Applicant	John T. Loos
General Location	West of Seabreeze Boulevard and East of Lake Drive
Property Size	6,400 Square Foot ROW Vacation
Zoning	Residential Single Family/Low Density District (RS-4.4)
Existing Use	Public Right-of-Way
Future Land Use Designation	Residential
Applicable ULDR Sections	Sec. 47-24.6 Vacation of Right-of-Way Sec. 47-25.2 Adequacy Review
Notification Requirements	Sign Posting 15 days prior to meeting; Mail Notice 10 days prior to meeting.
Action Required	Recommend Approval of Vacation to City Commission, or Deny
Project Planner	Yvonne Redding, Planner II

PROJECT DESCRIPTION:

The applicant requests to vacate a 50-foot wide, 6,400 square-foot portion of right-of-way, located on the west side of Seabreeze Boulevard and east of Lake Drive. A sketch and legal description is provided as part of the submittal package.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on January 28, 2014. All comments have been addressed. Staff recommended and applicant has indicated agreement to dedicate, to the City of Fort Lauderdale, an easement to access and have the ability to maintain existing city utilities located below ground.

REVIEW CRITERIA:

As per ULDR Section 47-24.6.A.4, the request is subject to the following criteria:

- a. *The right-of-way or other public place is no longer needed for public purposes; and*

The right-of-way area does not currently serve as a thoroughfare and does not provide vehicular or pedestrian access between State Road A1A and the Harbor Beach neighborhood.

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

The right-of-way area is currently not used for access and a wall exists at the eastern end of the right-of-way area between Harbor Beach and State Road A1A, therefore, no alternate routes will be required to serve this area.

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

Safe areas for vehicular turnaround are not necessary as the right-of-way area the Applicant is proposing to vacate is vacant land and not utilized for pedestrian or vehicular access to A1A.

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

The proposed vacation will not adversely affect pedestrian travel as it is currently not utilized by pedestrians.

- 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.*

As part of the proposed development, all utilities located within the vacation area, including any utilities held by the City, will remain in their existing location and new easement will be provided to the City in order to continue their operation and maintenance. All affected utility franchises have provided letters of no objection to the vacation subject to receiving easements.

Applicant's response narratives to the criteria are provided as part of the submittal package. Pursuant Staff

STAFF FINDINGS:

The application meets the criteria as indicated in ULDR Section 47-24.6, Vacation of Right-of-Way and 47-25.2, Adequacy Review. Staff recommends the Board approve the request subject to conditions provided herein and consistent with ULDR Section 47-24.6, Vacation of Right-of-Way and 47-25.2, Adequacy Requirements.

CONDITIONS:

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

1. A City utility easement shall be retained over the right-of-way area in order to accommodate access for maintenance purposes.
2. 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.

PLANNING & ZONING BOARD REVIEW OPTIONS:

As per 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 DRC, 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.