



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

**#24-0701**

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

**FROM:** Susan Grant, Acting City Manager

**DATE:** September 3, 2024

**TITLE:** Quasi-Judicial Resolution Approving Vacation of an Ingress, Egress, Utility and Well Easement Located at 5900 Hawkins Road and Authorizing the City Manager to Execute an Instrument Granting and Conveying a Public Drainage Easement – City of Fort Lauderdale – Prospect Lake Clean Water Center – Case No. UDP-EV24004 – **(Commission District 1)**

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**Recommendation**

Staff recommends the City Commission consider a resolution vacating a 50-foot-wide by 2,152-foot-long ingress, egress, utility and well easement located at 5900 Hawkins Road, running adjacent to Tract B and Tract C of Palm Aire Village 4<sup>th</sup> Section, according to the plat thereof recorded in Plat Book 96 at Page 35, of the Public Records of Broward County, Florida and authorizing the city manager to execute an instrument granting and conveying a public drainage easement.

**Background**

The applicant, City of Fort Lauderdale, requests to vacate the easement, which was originally platted as an ingress, egress, utility and well easement to access and maintain the lake. The proposed vacation is associated with the Site Plan Level II development application for the “Prospect Lake Clean Water Center”, a 15,322-square-foot Nanofiltration Building and 9,878 Square Foot Administration Building (Case No. UDP-S23049). The project is being constructed pursuant to a public private partnership between the City of Fort Lauderdale, Prospect Lake Water, L.P. in capacity as the Project Company, and Prospect Lake Holdings, L.P. and IDE PLCWC, Inc. in their capacity as Equity Providers. A location map depicting the easement is attached as Exhibit 1.

The original plat was adopted by the City Commission on September 20<sup>th</sup>, 1977, by Ordinance C-77-122. Plat Book 96, Page 35 is attached as Exhibit 2. The Development Review Committee (DRC) reviewed the easement vacation application on July 9, 2024. All comments have been addressed. The application, project narrative, and utility letters stating no objection to the vacation are attached as Exhibit 3. The DRC comment report and the applicant’s responses are attached as Exhibit 4. The sketch and legal description of the proposed 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, record, and recommendations forwarded by the DRC and shall hear public comment on the application and determine whether the application meets the following criteria for vacation of an easement:

- a. *The easement is no longer needed for public purposes;*

Other than an existing thirty-six (36) inch storm drain that crosses the easement north to south for which a utility easement will be retained by the City for the area where this facility lies, there are no other utilities presently using the area of the fifty (50) foot easement sought to be vacated. The area to be vacated is no longer needed for ingress, egress, and well 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;*

There is presently only a thirty-six (36) inch storm drainage pipe within the western most portion of the fifty (50) foot easement sought to be vacated for which a twenty (20) foot drainage easement will be retained by the City for the area where the facility lies. The applicant has obtained letters of no objection from utility providers who have rights or authority to place utilities in the easement: City of Fort Lauderdale Public Works, AT&T, Comcast, FP&L, and TECO Gas.

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

1. Applicant shall convey by written instrument that a western portion of the ingress, egress, utility, and well easement, more particularly described in Exhibit "B," as a drainage easement.
2. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the Project Company, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
3. Any other utility infrastructure known or unknown and found to be within the

vacated area shall be relocated at the expense of the Project Company, 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.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

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

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Infrastructure and Resilience Focus Area, Goal 3: Providing for a new state of the art water treatment plant.

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

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Infrastructure Focus Area
- Sanitary Sewer, Water & Stormwater Element
- Goal 2: Develop and maintain an adequate wastewater collection and treatment system, which meets existing and projected needs of the City and adjacent users in the Central Wastewater Region.

### **Attachments**

Exhibit 1 – Location Map

Exhibit 2 – Plat Book 96, Page 35

Exhibit 3 – Applicant’s Application, Narratives, and Utility Letters

Exhibit 4 – DRC Comment Report and Applicant’s Responses

Exhibit 5 – Sketch and Legal Description

Exhibit 6 – Resolution

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