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

**FROM:** Lee Feldman, City Manager

**DATE:** November 6, 2012

**TITLE:** Resolution – NE 17<sup>th</sup> Avenue Utility Easement Vacation – Paseo Del Mar -  
Case 8M12

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**Recommendation**

It is recommended that the City Commission adopt a resolution vacating the utility easement consistent with ULDR Sec. 47-24.7, Vacation of Easement effective upon the completion of all conditions of approval.

**Background**

The City Commission is to consider the application, the record and recommendations forwarded by the Development Review Committee (“DRC”), and public comment on the application when determining whether the application meets the criteria for vacation.

Pursuant to criteria outlined in ULDR Sec. 47-24.7, Vacation of Easement, the DRC reviewed the application on July 24, 2012, and has determined that the easement is no longer needed for public purpose further evidenced by letters provided by the applicant from the appropriate utility companies. The application and the record and report of the DRC are available for review upon request. The sketch and legal description are provided in the attached resolution.

The applicant proposes to vacate a utility easement in association with the proposed Paseo Del Mar mixed-use project, generally located at 1600 E. Sunrise Boulevard. The location map is attached as Exhibit 1. The Applicant’s Narrative and responses to criteria are attached as Exhibit 2.

The existing utility easement to be vacated includes a sanitary sewer main that will become privately maintained. The existing utility easement includes a 2” water service that will be removed. The Water service within NE 17<sup>th</sup> Avenue will be upgraded to an 8” water service and connected through the project site and connect to the existing 8” water service located within NE 16<sup>th</sup> Terrace for improved service to the project site and surrounding area.

The easement is located on a section of what was the NE 17<sup>th</sup> Avenue right-of-way, which was vacated in 1990. As part of the proposed project, the applicant will provide a public pedestrian connection through the Paseo Del Mar site along the previously vacated 17<sup>th</sup> Avenue.

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

1. 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;
2. Any utility facility remaining on this site within the easement area to be vacated shall be conveyed to the Applicant and privately owned and maintained, as shown on the Utility Plan in the final site plan drawings.
3. The vacating resolution 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.

**Attachments:**

Exhibit 1 - Location Map

Exhibit 2 – Applicant's Narrative and Responses

Exhibit 3 - Resolution

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