



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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: April 17, 2018

TITLE: Quasi-Judicial – Ordinance Vacating a Right-of-Way (Alley) Located at
613 NW 3rd Avenue – Gospel Arena of Faith, Inc. – CASE V17010

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 15-foot-wide, approximately 187-foot-long portion of a north/south alley right-of-way located north of Sistrunk Boulevard (NW 6th Street), west of NW 3rd Avenue, south of NW 7th Street and east of NW 4th Avenue.

Background

The applicant, Gospel Arena of Faith, Inc. requests a vacation of a 15-foot-wide, approximately 187-foot-long portion of a north/south alley right-of-way located north of Sistrunk Boulevard, west of NW 3rd Avenue, south of NW 7th Street and east of NW 4th Avenue. The proposed alley vacation is associated with “The Six13” mixed-use development (Case #R17075), which is currently under review. The rezoning associated with the site is also scheduled on this agenda as CAM #18-0274 (Case No. Z17010). The sketch and legal description of the proposed vacation is attached as Exhibit 1. The Applicant’s Application, Narratives, Illustrative Diagram and Utility Letters are included as part of Exhibit 2.

The vacation request was reviewed by the Planning and Zoning Board (PZB) on February 21, 2018. The PZB Staff Report and Minutes are attached as Exhibit 3 and 4, respectively. The PZB recommended approval of the vacation of the right-of-way by a vote of (6-0) with the following staff conditions of approval:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the City’s Public Works Department;
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the

relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,

3. 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 by the applicant to the City.

Review Criteria

As per the Unified and Land Development Regulations (ULDR), Section 47-24.6.A.4., Vacation of Rights-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; and,*

The subject portion of the 15-foot-wide right-of-way is no longer needed for public purposes. The alley is a reservation alley and is not used for pedestrian or vehicular access to the abutting properties or the public. The alley bisects the proposed development site for “The Six13” mixed-use project. The applicant will also grant easements for relocated utilities existing in this portion of the alley, as needed.

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

The alley is not currently used for pedestrian or vehicle traffic. The surrounding areas and other abutting properties can be accessed from NW 4th Avenue, NW 7th Street, or NW 3rd Avenue.

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

The alley cannot currently be used for vehicular traffic due to landscaping, utility poles, and development on the alley reservation. Vehicles will be able to utilize NW 4th Avenue, NW 7th Street, or NW 3rd avenue to access the abutting properties.

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

The alley is not currently used for pedestrian traffic. Applicant will be improving the sidewalk conditions along Sistrunk Boulevard, and pedestrians can utilize NW 4th Avenue, NW 7th Street, or NW 3rd Avenue to access the abutting properties.

- 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.*

Letters of no objection have been received from all applicable franchise utilities and the applicant is coordinating how to address existing facilities and future service. All providers state they have no objection to the proposed alley vacation. AT&T and FPL have no objection to vacating the alley as long as the existing facilities are relocated by the owner/developer. Teco Peoples Gas, City of Fort Lauderdale and Comcast have no facilities in the area to be vacated and have no objection. The letters are attached as Exhibit 2.

Adequacy and Neighborhood Compatibility:

The adequacy 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 vacation does not adversely impact or create additional demand on public services and facilities.

The applicant has provided a narrative response regarding the project's compliance with ULDR, Sections 47-24.6.A.4., Vacation of Rights-of-Way and Section 47-25.2 Adequacy Requirements, which are provided and attached herein as Exhibit 2 to assist the City Commission in determining if the proposal meets the criteria.

Public Participation

The right-of-way vacation request 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 December 14, 2017, to offer the neighborhood surrounding the property the opportunity to learn about the proposed project. The public participation meeting summary and affidavit are attached as Exhibit 5.

In addition, this request is subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant has installed a total of 3 signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 5 contains the affidavit and pictures of the posted signs.

Conditions

Should the City Commission approve the proposed vacation, the following conditions apply:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated

facilities shall be required to be inspected and accepted by the City's Public Works Department;

2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
3. 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 by the applicant to the City.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Public Safety Cylinder of Excellence, specifically advancing:

- Goal 7: Be a well-positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port, and rail connections.
- Objective 2: Enhance the beauty, aesthetics and environmental quality of neighborhoods.

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

Related CAM

#18-0274

Attachments

Exhibit 1 - Sketch and Legal Description

Exhibit 2 - Applicant's Application, Narratives, Illustrative Diagram, and Utility Letters

Exhibit 3 - PZB Staff Report

Exhibit 4 - PZB Minutes

Exhibit 5 - Public Participation and Sign Notification

Exhibit 6 - Ordinance

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