



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

#17-0701

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

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

DATE: July 11, 2017

TITLE: Quasi-Judicial - Resolution Vacating a Utility Easement located at 488 SW
1st Ave – SWFLB, LLC – E17001

Recommendation

It is recommended that the City Commission adopt a resolution vacating a 2,113 square foot utility easement located on the west side of Parcel B, Mercury Plat, on the east side of the 400 block of SW 1st Avenue.

Background

The utility easement vacation is associated with the proposed “488 Residences at Riverwalk” project, a 37-story mixed use development with 362 multi-family units and 6,000 square feet of ground floor retail space. The applicant will be responsible for relocating any utilities as part of the vacation request during the development permitting process. No City utilities exist within the utility easement requested to be vacated.

The proposed easement vacation and associated site plan were reviewed by the Development Review Committee (DRC) on January 24, 2017. All comments have been addressed. The DRC record is available at the Department of Sustainable Development (DSD).

The City Commission shall consider the application, the record, and recommendations forwarded by the DRC, and public comment on the application when determining whether the application meets the following criteria for vacation of an easement:

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

The subject perimeter utility easement was dedicated by the Mercury Plat before there were any specific development plans for the site. It is not being used by any franchise or municipal utility. Since specific plans are being proposed for this site and the remainder of the block is being developed or is in site plan review for development, the location of utilities serving the site and the block have been determined and no utilities are proposing to use this easement.

- 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;*

This easement was dedicated by plat prior to any development plans for the site. There are no utilities located within the easement. Letters of no objection have been received from all franchise utilities and the City's Public Works Department.

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

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 provide.
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 to the City.

The applicant's narrative responses to vacation of easement criteria and letters of no objection from utility providers are attached as Exhibit 1. The sketch and legal description is provided as part of the resolution attached as Exhibit 2.

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 Neighborhood Enhancement 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: Ensure a range of housing options for current and future neighbors.

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

Attachments

Exhibit 1 – Applicant’s Narratives and Utility Letters

Exhibit 2 – Resolution

Prepared by: Randall Robinson. Planner III

Department Director: Anthony Greg Fajardo, Sustainable Development