



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

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

DATE: December 2, 2014

TITLE: QUASI-JUDICIAL – FIRST READING OF ORDINANCE – Vacation of a
15-foot Right-of-Way (Alley Reservation) - Case V14004

Recommendation

It is recommended that the City Commission introduce an ordinance on first reading vacating an unopened 15 foot wide right-of-way (alley reservation) located on the south side of NE 7th Street between NE 2nd Avenue and NE 3rd Avenue.

Background

This right-of-way was dedicated as an easement for an “alley reservation” in the 1911 Progresso plat. This alleyway was never constructed but it remains shown as an easement on the subject properties. The property is located in the Regional Activity Center – Urban Village (RAC-UV) zoning district. The applicant has stated that the vacation application is part of a larger development project that will take place on the northern half of this block. A conceptual site plan has been submitted as a part of the record. The right-of-way is 15 feet wide by 375 feet in length. The vacation of the unopened alley will allow the developer to provide more options that would create a range of housing options in the neighborhood. The applicant has also proposed dedicating a new 15 foot access and utility easement that will connect the end of the existing easement to NE 2nd Avenue. A sketch and legal description is provided as part of the submittal package. A map showing the location of the proposed vacation is provided as Exhibit 1.

Pursuant to Unified Land Development Regulations (ULDR) Section 47-24.6, Vacation of right-of-way, the project and the associated development were reviewed by the Planning and Zoning Board (PZB) on September 17, 2014, and approved by a vote of 9-0. The applicant’s narrative, minutes and report of the PZB are attached as Exhibits 2, 3 and 4 respectively. The sketch and legal descriptions are provided in the attached ordinance.

The application is subject to ULDR Section 47-24.6, Vacation of right-of-way, which includes the following criteria under subsection 4:

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

This right-of-way was dedicated as an easement for an “alley reservation” in the 1911 Progresso plat. This alleyway was never constructed but it remains shown as an easement on the subject properties. Due to the presence of the City grid pattern, there are sufficient alternative options for movement along the edge of the property along NE 2nd avenue and NE 3rd avenue to accommodate pedestrian and vehicular traffic.

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

The existing street grid system provides alternative options for vehicular movement around the property. The vacation would not cause vehicles or pedestrians to alter their circulation pattern since the alley is unopened.

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

The closure of the right-of-way would not affect how vehicles turn around and exit the area. Sufficient areas for maneuverability currently exist within the developed right-of-way and private property. The existing street grid system provides alternative options for vehicular movement around the property.

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

The proposed vacation will not adversely affect pedestrian traffic. This unopened alley runs the length of the block, which ever opened, would cause pedestrians to move approximately 120 feet to the east or west to access the rest of the block.

- 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.*

Staff has recommended as a condition of approval that all utilities located within the vacation area, including any utilities held by the City, will be relocated as part of the redevelopment of the property. All affected utility franchises have provided letters of no objection to the vacation subject to the relocation of any existing utilities within the right-of-way.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Development Review Committee and

the Planning and Zoning Board and shall hear public comment on the application when determining whether the vacation request meets the criteria for vacation of right-of-way. The DRC record and recommendations are available upon request.

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 provider;
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.

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 6:** Be an inclusive community made up of distinct, complementary, and diverse neighborhoods.
- **Objective 2:** Ensure a range of housing options for current and future neighbors.

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

Resource Impact

There is no fiscal impact associated with this action.

Attachments:

- Exhibit 1 - Location map
- Exhibit 2 - Applicant's narrative
- Exhibit 3 – 9/17/14 PZB Staff report
- Exhibit 4 – 9/17/14 PZB Minutes
- Exhibit 5 - Ordinance

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