



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

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

**DATE:** February 18, 2014

**TITLE:** QUASI-JUDICIAL – SECOND READING OF ORDINANCE – Vacation of  
a 30-foot right-of-way - Case 26P13

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**Recommendation**

It is recommended that the City Commission adopt an ordinance vacating a 30-foot, 17,964 square-foot portion of right-of-way to construct a mixed use development located on the south side of West Broward Boulevard between SW 24<sup>th</sup> Avenue and SW 27<sup>th</sup> Avenue.

**Background**

The applicant requests the vacation of a 30-foot, 17,964 square-foot portion of right-of-way, located east of SW 27<sup>th</sup> Avenue and south of SW 2<sup>nd</sup> Street. The right-of-way vacation is proposed as part of the request to develop a commercial retail shopping center for a proposed Walmart Store and other future retail, restaurant and service uses. The vacation is one of four right-of-way vacation applications, as well as one utility easement vacation proposed as part of the redevelopment of the site that are also scheduled on this agenda. A map showing the locations of the proposed vacations in context of the overall site is included as Exhibit 1.

Pursuant to Unified Land Development Regulations (ULDR) Section 47-24.6, Vacation of right-of-way, the project was reviewed by the Planning and Zoning Board (PZB) on December 18, 2013, and approved by a vote of 8-0. The applicant's narrative, minutes and report of the PZB are attached as Exhibits 2, 3 and 4 respectively. The sketch and legal 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

- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and
- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and
- d. The closure of a right-of-way shall not adversely impact pedestrian traffic;
- 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.

The proposed vacation will permit the redevelopment of the site to accommodate a shopping center and associated parking including accommodation for vehicular and pedestrian access and circulation. As part of the redevelopment of the site, the applicant is proposing three vehicular access openings along SW 27<sup>th</sup> Avenue, one along SW 24<sup>th</sup> Avenue and the main entrance to the site will be accommodated from West Broward Boulevard. The applicant is proposing new seven-foot wide sidewalks along SW 24<sup>th</sup> Avenue, SW 27<sup>th</sup> Avenue and West Broward Boulevard, as well as new pedestrian walkways through the proposed development.

The vacation shall be conditioned upon the relocation of any City infrastructure known or unknown found to be within the areas to be vacated. The City is requiring that a temporary utility easement be retained until such time as the engineering certificate is recorded, evidencing that the utilities in the vacation area have been removed or abandoned. A utility relocation plan is included as Exhibit 5.

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.

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

1. A temporary utility easement shall be retained until such time as the engineering certificate is recorded evidencing that any utilities in the vacation area have been relocated or abandoned;

2. 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;
3. 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.

### **Strategic Connections**

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

- Goal 1: Be a pedestrian friendly, multi-modal City

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

### **Resource Impact**

There is no fiscal impact associated with this action

Related CAMs: #14-0049, 14-0050, 14-0052

Attachments:

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Narrative

Exhibit 3 - Staff report – December 18, 2013 Planning and Zoning Board meeting

Exhibit 4 - Approved minutes – December 18, 2013 Planning and Zoning Board meeting

Exhibit 5 - Utility Relocation Plan

Exhibit 6 - Ordinance

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