



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0476

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

FROM: Susan Grant, Acting City Manager

DATE: June 18, 2024

TITLE: Public Hearing – Quasi-Judicial Ordinance Vacating a 22.5-foot-wide by 853-foot-long Portion of Right-of-Way, North of West Prospect Road, West of NW 31st Avenue, East of State Road 7, and South of NW 62nd Street- City of Fort Lauderdale – Prospect Lake Clean Water Center – Case No. UDP-V23006 – **(Commission District 1)**

Recommendation

Staff recommends the City Commission consider an ordinance vacating a 22.5-foot-wide by 853-foot-long portion of Right-of-Way, north of West Prospect Road, west of NW 31st Avenue, east of State Road 7, and south of NW 62nd Street.

Background

The subject portion of right-of-way was originally conveyed to Broward County in 1975 by Quit-Claim Deed recorded in Official Book 6411 Page 294 in Broward County Public Records. The property and right-of-way were transferred to the City of Fort Lauderdale when the property was annexed and the applicant requests to vacate the right-of-way to construct the City of Fort Lauderdale's new Prospect Lake Clean Water Center. The associated site plan (UDP-S23049) was reviewed by the Development Review Committee (DRC) on September 26, 2023. A location map is attached as Exhibit 1. The sketch and legal description of the right-of-way proposed to be vacated is attached as Exhibit 2. The sketch and legal description of the proposed utility and access easement is provided as Exhibit 3. The application, narrative responses to criteria and letters of no objection are provided as Exhibit 4.

The right-of-way vacation request was reviewed by the DRC on October 10, 2023, and all comments have been addressed. The DRC comment report and responses are provided as Exhibit 5. The application was reviewed by the Planning and Zoning Board (PZB) on May 15, 2024, and was recommended for approval by a vote of 8-0, subject to conditions provided herein. The May 15th, 2024 PZB Staff Report and draft PZB meeting minutes are provided as Exhibit 6 and Exhibit 7, respectively.

The City Commission shall hold a public hearing to consider the application, the record, and recommendations forwarded by the DRC and the Planning and Zoning Board. Additionally, the City Commission shall hear public comment on the application and determine whether the request meets the criteria for the vacation.

Review Criteria:

As per ULDR Section 47-24.6.A.4., Vacation of Right-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;*

The right-of-way is not in use by the public. The right-of-way serves as an access drive and is utilized by the City's Public Works Department and Florida Power and Light ("FPL") maintenance crews. The City's Public Works Department has access to several buildings located on the west side of Hawkins Road. FPL Maintenance crews service utilities located along the west side of Hawkins Road. A utility and access easement will be provided over the vacated right-of-way.

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

Alternate routes are not necessary. The right-of-way is not used by surrounding property owners and there will be no adverse impacts to the surrounding area due to the vacation of the right-of-way.

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

The right-of-way to be vacated is a dead-end street with its only connection to another right-of-way being Prospect Road to the south. The right-of-way vacation eliminates the dead-end condition and therefore eliminates the need for vehicles to turn around and exit the area.

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

The closure of the right-of-way will 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 applicant has obtained letters of no objection with conditions from franchise utilities and the City's Public Works Department. The City conditions the approval of the vacation of right-of-way to address the requests from the utilities including requiring the Applicant to grant a utility and access easement over the vacated right-of-way, which are shown as part of Exhibit 3.

Conditions:

Should the 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; or a utilities easement shall be retained over the right-of-way area or portion thereof; or a utilities easement shall be provided in a different location to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted. Any relocated facilities or facilities provided in a different location shall be required to be inspected and accepted by the Public Works Department; and,
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; or a utilities easement shall be retained over the right-of-way area or portion thereof; or a utilities easement shall be provided in a different location to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted. 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 to the city.
4. The public utility easement to be granted shall be shown on the plat covering the area legally and graphically depicted on the sketch and legal description attached as Exhibit 3.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a FY 2024 *Commission Priority*, advancing the Infrastructure and Resilience initiative.

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Infrastructure and Resilience Focus Area, Goal 3: Providing for a new state of the art water treatment plant.

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

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Infrastructure Focus Area
- Sanitary Sewer, Water & Stormwater Element
- Goal 2: Develop and maintain an adequate wastewater collection and treatment

system, which meets existing and projected needs of the City and adjacent users in the Central Wastewater Region.

Related CAM

24-0477

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Sketch and Legal Description for the Proposed Vacation

Exhibit 3 – Sketch and Legal Description of the Proposed Utility and Access Easements

Exhibit 4 – Application, Narrative Responses, and Utility Letters

Exhibit 5 – October 10, 2023, DRC Comments and Responses

Exhibit 6 – May 15, 2024, PZB Staff Report

Exhibit 7 – May 15, 2024, Draft PZB Meeting Minutes

Exhibit 8 – Ordinance

Prepared By: Yvonne Redding, Urban Planner III, Development Services Department

Department Director: Christopher Cooper, AICP, Development Services Department