



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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: January 22, 2014

TITLE: QUASI-JUDICIAL – SECOND READING OF ORDINANCE – Vacation of
a 55-foot Right-of-Way - Case 17P13

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 55-foot wide by 287-foot long portion of right-of-way to construct a mixed use development located at 981 SE 10th Avenue.

Background

The existing 55-foot alley wide right-of-way proposed to be vacated, is located south SE 19 Street and north of SE 20 Street and associated with the redevelopment of the Harbor Park Apartment. The right-of-way to be vacated is intended to allow access to the “East Point Condominiums” an existing multi-family development south of the Harbor Park Apartments site. The applicant will improve and maintain the right-of-way as shown on the associated site plan. With this proposal, the right-of-way will be vacated in order to permit the redevelopment of the site and to provide access to the new fitness center on the east side, as well as the proposed Harbor Park Apartments on the west side of the existing right-of-way. The associated rezoning request is also scheduled on this agenda.

Pursuant to ULDR Section 47-24.6, Vacation of Right-of-Way, the project was reviewed by the Planning and Zoning Board (PZB) on November 20, 2013, and approved by a vote of 8-0. The applicant’s narrative, minutes and report of the PZB are available 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:

- 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 applicant will provide improvements including nine on-street parking spaces within the right-of-way, which include maintenance of the existing median, construction of a new round-about at the entrance of the East Point Condominiums, new pedestrian cross walk and a new shaded pedestrian public plaza area. Applicant's response narratives are provided as part of the submittal package.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Development Review Committee (Exhibit 3) 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. Applicant shall convey a vehicular and public pedestrian access easement over the proposed portion of right-of-way to be vacated. Any associated improvements are to be constructed and maintained by the owner of the property underlying the easement.
2. Vacation of the right-of-way shall be effective upon completion of the development and evidenced by an Engineer's Certificate;
3. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer. All improvements constructed within the easement shall conform to City engineering standards;

4. 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 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 not fiscal impact associated with this action

Attachments

Exhibit 1 – Location Map

Exhibit 2 - Applicant's narrative

Exhibit 3 – Development Review Committee Comments

Exhibit 4 - Staff report from November 20, 2013 Planning and Zoning Board meeting

Exhibit 5 - Final minutes from November 20, 2013 Planning and Zoning Board meeting

Exhibit 6 - Ordinance

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