



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

**#17-1098**

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

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

**DATE:** September 6, 2017

**TITLE:** Quasi-Judicial – Ordinance Vacating a Right-of-Way (alley) located at –  
501 Seventeen - HS 17<sup>th</sup> Street, LLC - 501 SE 17<sup>th</sup> Street – V16005

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**Recommendation**

It is recommended that the City Commission adopt an ordinance vacating a 15-foot-wide by 261-foot-long alley right-of-way at the 501 Seventeen development located at 501 SE 17<sup>th</sup> Street.

**Background**

The site of the 501 Seventeen development is bifurcated by a 15-foot-wide platted alley, which is bounded on both sides by property owned by the applicant, and will be included in the development project. A map showing the location and extent of the proposed vacation is included as Exhibit 1.

Letters of no objection have been received from all of the franchise utilities as well as the City's Public Works Department.

Pursuant to Section 47-24.6 of the Unified Land Development Regulations (ULDR), Vacation of Right-of-Way, the project was reviewed by the Planning & Zoning Board (PZB) on June 21, 2017. The applicant's narratives and the utility letters are attached as Exhibit 2. The PZB Staff Report and Meeting Minutes are attached as Exhibit 3 and 4. The sketch and legal are provided as part of the ordinance attached as Exhibit 5.

An application for a vacation of a right-of-way (alley) shall be reviewed in accordance with the following criteria:

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

The alley is currently used for service and loading operations in connection with the existing Denny's restaurant on the site. The alley is not necessary for public access as there are three major rights-of-way immediately to the north,

east, and south of the alley. Applicant plans to demolish the existing Denny's restaurant and construct a mixed-use project on the property.

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

The alley is not currently used as a main thoroughfare for pedestrian or vehicular traffic. Upon demolition of the restaurant, and construction of the new project, accommodations will be made for ingress/egress as part of the approved site design. Additionally, a loading access area and public sidewalks will be provided for on the property.

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

There are three major rights-of-way to the north, east, and south of the alley (SE 16th Court, Federal Highway, and SE 17th Street, respectively). Upon construction of the new project, accommodations for ingress and egress will be provided for on the property.

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

The closure of the 15-foot alley will not adversely impact pedestrian traffic. The applicant intends to improve existing pedestrian connectivity by constructing new 7-foot wide sidewalks along SE 16th Court, SE 17th Street, and SE 4th Avenue, as well as a 10-foot wide sidewalk along Federal Highway.

- 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 provided letters of no objection, subject to relocation of utilities as necessary, from utility companies including FPL, TECO, AT&T, Comcast, and the City's Public Works Department. The letters are attached as Exhibit 2.

### **Conditions**

Should the City 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, 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; 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.

### **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 Public Safety 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: Enhance the beauty, aesthetics and environmental quality of neighborhoods.

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

### **Related CAM**

#17- 1074

### **Attachments**

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Narratives and Utility Letters

Exhibit 3 - PZB Staff Report

Exhibit 4 - Minutes from the June 21, 2017 PZB Meeting

Exhibit 5 - Ordinance

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