



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

#22-0612

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

FROM: Greg Chavarria, City Manager

DATE: August 16, 2022

TITLE: Quasi-Judicial Resolution Vacating a Five-Foot Wide By 138-Foot-Long
Sidewalk Easement Located North of SE 11th Street, East of SE 3rd Avenue,
West of SE 4th Avenue and South of Tarpon River - Case No. UDP-
EV21008 – (**Commission District 4**)

Recommendation

Staff recommends that the City Commission consider a resolution vacating a five-foot wide by 138-foot-long sidewalk easement located north of SE 11th Street, east of SE 3rd Avenue, west of SE 4th Avenue and south of Tarpon River to construct a Federal Courthouse.

Background

On July 5, 2022, the City Commission approved Resolution 22-154 authorizing the City Manager to execute and deliver a letter of intent and to negotiate a proposed exchange agreement with the United States Government General Services Administration. The letter of intent memorialized the components of the proposed exchange agreement which include the vacation of certain City roadways. As such, City of Fort Lauderdale staff requests to vacate a five-foot wide by 138-foot-long sidewalk easement located north of SE 11th Street, east of SE 3rd Avenue, west of SE 4th Avenue and south of Tarpon River to construct a Federal Courthouse. There are no utilities within the sidewalk easement. A Location Map is attached as Exhibit 1. The Sketch and Legal Description of the Proposed Vacation is attached as Exhibit 2. The Application, Narrative Responses to Criteria and Utility Letters are provided as Exhibit 3.

The Development Review Committee (DRC) reviewed the vacation request on November 30, 2021. All comments have been addressed and are available on file with the Development Services Department. The November 30, 2021, DRC Case Comment Report is provided as Exhibit 4.

During a regular public meeting, the city commission is to consider the application, the record and recommendations forwarded by the DRC, shall hear public comment on the application and determine whether the request meets the criteria for the vacation.

Review Criteria:

The following Unified Land Development Regulations (ULDR) criteria apply:

- Section 47-24.7, Vacation of Easement
- Section 47-25.2, Adequacy Requirements

Vacation of Easement:

As per ULDR Section 47-24.7.A.4, Vacation of Easement, the request is subject to the following criteria:

- a. *The easement is no longer needed for public purposes;*

The sidewalk easement will no longer be needed for public use, as a Federal Courthouse is being proposed on this site, which will contain new sidewalks as part of the project.

- b. *All utilities located within the easement 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 portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same;*

There are currently no franchise and public utilities within the subject easement.

Should the Commission approve the proposed vacation, the following conditions apply:

1. Any unknown utilities found to be within the easement shall be relocated pursuant to a relocation plan at the expense of the applicant, and an easement in a different location shall be provided by the owner to the satisfaction of the city. The relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
2. 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. This 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 supports the Press Play Fort Lauderdale Strategic Plan 2024, included within the Business Development Cylinder of Excellence, specifically advancing:

- The Infrastructure Focus Area.
- Goal 1: Build a sustainable and resilient community.
- Objective: Proactively maintain our water, wastewater, stormwater, road, and

bridge infrastructure.

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

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

- The Infrastructure Enhancement Focus Area
- The Sanitary Sewer, Water, and Stormwater Element
- Goal 2: Ensure that all areas of the City are reasonably protected from flooding giving due consideration to the City's natural and built environment.
- Objective: Ensure that adequate stormwater management is provided.

Related CAMs

#22-0611

#22-0628

#22-0629

Attachment

Exhibit 1 – Location Map

Exhibit 2 – Sketch and Legal Description for the Proposed Vacation

Exhibit 3 – Application, Narrative Responses to Criteria, and Utility Letters

Exhibit 4 – November 30, 2021, DRC Case Comment Report

Exhibit 5 – Resolution

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