



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

#13-0210

TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Lee Feldman, City Manager

DATE: March 5, 2013

TITLE: Resolution – Utility Easement Vacation – 401 E. Las Olas, LLC. - Case 13M12

Recommendation

It is recommended that the City Commission adopt a resolution vacating the utility easement consistent with ULDR Sec. 47-24.7, Vacation of Easement.

Background

The City Commission is to consider the application, the record and recommendations forwarded by the Development Review Committee (“DRC”), and public comment on the application when determining whether the application meets the criteria for vacation.

The applicant proposes to vacate the utility easement rights granted as part of a sidewalk/utility and roadway easement, generally located on the northwest corner of SE 5th Avenue and E. Las Olas Boulevard. The applicant is requesting this vacation of the utility easement to meet a condition of approval requested by staff for the installation of a new awning/shade structure pursuant to Building Permit No. 12031471 by the engineering division. The current 5-foot utility easement runs north and south along SE 5th Avenue. If approved, the sidewalk easement will remain in the same location as it is today. The location map is attached as Exhibit 1. The Applicant’s Narrative and responses to criteria are attached as Exhibit 2.

Pursuant to criteria outlined in ULDR Sec. 47-24.7, Vacation of Easement, the DRC reviewed the application on September 11, 2012, and has determined that the utility easement is no longer needed for public purpose as further evidenced by letters provided by the applicant from the appropriate utility companies. The applicant will grant a new easement to AT&T per the company’s request. The vacation is conditioned upon the relocation of any City infrastructure known and unknown within the boundaries of the easements at the cost by the applicant and as approved by the City, and the segment of the easement extending into the required 20-foot intersection corner chord dedication shall not be vacated as part of this request. The application and the record and report of the DRC are available for review upon request. The sketch and legal description are provided in the attached resolution.

Resource Impact

There is no fiscal impact associated with this action.

Attachments:

Exhibit 1 - Location Map

Exhibit 2 – Applicant’s Narrative and Responses

Exhibit 3 - Resolution

Prepared By: Thomas Lodge, Planner II

Department Director: Greg Brewton, Sustainable Development