



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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: October 1, 2013

TITLE: QUASI-JUDICIAL – SECOND READING OF ORDINANCE – Vacation of
a Ten-foot Right-of-Way - Case 3P13

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a ten-foot wide, 4,500 square-foot portion of right-of-way to construct a parking lot for the New Mount Olive Baptist Church located at 400 NW 9th Avenue.

Background

The existing ten-foot alley right-of-way proposed to be vacated is located east of NW 9 Avenue, between NW 3 Street and NW 4 Street, and is associated with the proposed new sanctuary and chapel for the New Mount Olive Baptist Church. A parking lot will be constructed on the vacation site to serve the expansion of the church.

Pursuant to ULDR Sec. 47-24.6, Vacation of Right-of-Way, the project was reviewed by the Planning and Zoning Board (PZB) on July 17, 2012, and approved by a vote of 7-0. 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 the criteria as indicated in ULDR *Section 47-24.6, Vacation of Right-of-Way*, which includes the following:

- 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 application meets the above criteria. According to the applicant, the alley to be vacated was intended to allow secondary access to the church's existing unimproved parking areas between NW 8 Avenue and NW 9 Avenue, and was never improved. With this proposal, the alley will be vacated in order to permit the redevelopment of the narrow block to provide associated parking including circulation, associated with the expansion of the church, and will continue to provide public access via an easement, which will be conveyed over the vacated portion granted to the applicant. The rest of the alley will remain unimproved until a future redevelopment.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Development Review Committee 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. A public access easement shall be conveyed over the portion of the vacated alley that will be granted to the applicant.
2. As per AT&T, the owner will be required to grant a new easement, conduit and any other support facilities required by the company within the 10-foot right-of-way to be vacated;
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.

Resource Impact

There is not fiscal impact associated with this action

Attachments

Exhibit 1 – Location Map

Exhibit 2 - Applicant's narrative

Exhibit 3 - Staff report from July 17, 2013 Planning and Zoning Board meeting

Exhibit 4 - Final minutes from July 17, 2013 Planning and Zoning Board meeting

Exhibit 5 - Ordinance

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Department Director: Greg Brewton, Sustainable Development