



---

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

**FROM:** Greg Chavarria, City Manager

**DATE:** February 20, 2024

**TITLE:** Quasi-Judicial Resolution Approving Vacation of Utility Easement Located at 201 SW 14<sup>th</sup> Street – USD Tarpon River LLC – Tarpon River Storage – Case No. UDP-EV23009 – **(Commission District 4)**

---

**Recommendation**

Staff recommends that the City Commission consider a resolution vacating a 122.4-foot-long by 25-foot-wide utility easement located at 201 SW 14<sup>th</sup> Street, running north and south, west of and adjacent to lot 1 block 43, South River Section, Croissant Park, according to the plat thereof recorded in Plat Book 8 at Page 20, of the Public Records of Broward County, Florida.

**Background**

The applicant, USD Tarpon River LLC, requests to vacate a utility easement which was a portion of SW 3<sup>rd</sup> Avenue right-of-way vacated and retained as a utility easement. The proposed vacation is associated with the Site Plan Level II development application for “Tarpon River Storage”, a 111,193-square-foot self-storage facility (Case No. UDP-S23036). A location map depicting the easement is attached as Exhibit 1.

The Development Review Committee (DRC) reviewed the easement vacation application on November 28, 2023. All comments have been addressed. The application, project narrative, and utility letters stating no objection to the vacation are attached as Exhibit 2. The DRC comment report and the applicant’s responses are attached as Exhibit 3. The sketch and legal description of the proposed vacation is attached as Exhibit 4.

Pursuant to the City’s Unified Land Development Regulations (ULDR) Section 47-24.7, Vacation of Easement, the City Commission is to consider the application, record, and recommendations forwarded by the DRC and shall hear public comment on the application and determine whether the application meets the following criteria for vacation of an easement:

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

The easement contains no utilities and therefore is no longer needed for public purposes.

- 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;*

The applicant has obtained letters of no objection from utility providers who have rights or authority to place utilities in the easement: City of Fort Lauderdale Public Works, AT&T, Comcast, FP&L, and TECO Gas.

Should the City Commission determine that the proposed application meets the criteria for vacation of easement, 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 easements will be dedicated at the new location, 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 easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
3. The vacating resolution 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.
4. This vacation approval shall expire in 24 months from the date of final passage of the resolution if the required certificate executed by the City Engineer has not been recorded in the public records of Broward County, Florida.

### **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.

Prosperous.

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

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatibility of uses.

**Attachments**

Exhibit 1 – Location Map

Exhibit 2 – Applicant’s Application, Narratives, and Utility Letters

Exhibit 3 – DRC Comment Report and Applicant’s Responses

Exhibit 4 – Sketch and Legal Description

Exhibit 5 – Resolution

---

Prepared by: Lorraine Tappen, Principal Urban Planner, Development Services Department

Department Director: Christopher Cooper, AICP, Development Services Department