



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

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

DATE: May 6, 2014

TITLE: QUASI-JUDICIAL – FIRST READING OF ORDINANCE – Vacation of a
50-foot right-of-way - Case V14001

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 50-foot, 6,400 square-foot portion of right-of-way located on the west side of Seabreeze Boulevard and east of Lake Drive.

Background

The applicant requests the vacation of a 6,400 square-foot portion of right-of-way, located between 11 Sylvan Lane and 1301 Seabreeze Boulevard. The right-of-way vacation is proposed as part of the request to develop a single family residence at 1301 Seabreeze Boulevard. A map showing the location of the proposed vacation is included as Exhibit 1.

Pursuant to Unified Land Development Regulations (ULDR) Section 47-24.6, Vacation of right-of-way, the project was reviewed by the Planning and Zoning Board (PZB) on March 19, 2014, and approved by a vote of 9-0. The applicant's narrative, minutes and report of the PZB are attached as **Exhibits 2, 3 and 4** respectively. The sketch and legal are provided in the attached ordinance.

The application is subject to ULDR Section 47-24.6, Vacation of right-of-way, which includes the following criteria under subsection 4:

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

The right-of-way area does not currently serve as a thoroughfare and does not provide vehicular or pedestrian access between State Road A1A and the Harbor Beach neighborhood.

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

The right-of-way area is currently not used for access and a wall exists at the eastern end of the right-of-way area between Harbor Beach and State Road A1A, therefore, no alternate routes will be required to serve this area.

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

Safe areas for vehicular turnaround are not necessary as the right-of-way area the Applicant is proposing to vacate is vacant land and not utilized for pedestrian or vehicular access to A1A.

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

The proposed vacation will not adversely affect pedestrian travel as it is currently not utilized by pedestrians.

- 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.*

As part of the proposed development, all utilities located within the vacation area, including any utilities held by the City, will remain in their existing location and new easement will be provided to the City in order to continue their operation and maintenance. All affected utility franchises have provided letters of no objection to the vacation subject to receiving easements.

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. The DRC record and recommendations are available upon request.

Should the Commission approve the proposed vacation, staff proposes the following conditions:

1. A City utility easement shall be retained over the right-of-way area in order to accommodate access for maintenance purposes.

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. 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.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 1: Be a pedestrian friendly, multi-modal City

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

Resource Impact

There is no fiscal impact associated with this action

Attachments:

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Narrative

Exhibit 3 - Staff report – March 19, 2014 Planning and Zoning Board meeting

Exhibit 4 - Approved minutes – March 19, 2014 Planning and Zoning Board meeting

Exhibit 5 - Ordinance

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