



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#22-0027

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: January 18, 2022

TITLE: Resolution Authorizing Reconveyance of Sidewalk Right- Of-Way by Quit Claim Deed pursuant to Florida Statute Section § 255.22 – NW 7th Avenue and NW 4th Street - **(Commission District 3)**

Recommendation

Staff recommends the City Commission adopt a Resolution authorizing execution and delivery of a Quit Claim Deed reconveying to Sixth Street Corporation (a) 10-foot sidewalk easement along NW 7th Avenue and (b) a 5-foot sidewalk easement along NW 4th Street pursuant to Florida Statute Section § 255.22.

Background

On April 21, 1997, Sixth Street Corporation (“Sixth Street”) owned (and still owns) a parcel of land at the SW quadrant of the intersection of NW 7th Avenue (Avenue of the Arts) and SW 4th Street. At that time Sixth Street conveyed to the City a 10-foot sidewalk easement on the West boundaries of NW 7th Avenue (Exhibit 1) and a 5-foot sidewalk easement along the North boundary of the NW 4th Street (Exhibit 2). These were conveyed in anticipation of the 7th / 9th Connector Project, which was ultimately abandoned.

Florida Statute Section § 255.22 (Exhibit 3) provides that where real property is conveyed to a municipality for a specific purpose or use and if the municipality fails to use such property for a period of 60-months or identify the proposed use in a comprehensive plan or other public facilities plan during the 60-month period, then upon request of the grantor the municipality may execute and deliver a quit claim deed to the former grantor. Further, if the purpose for which the conveyance was made required physical improvement or construction and in the event the municipality fails to so construct, then the property (sidewalk easements in this case) shall be conclusively presumed to be abandoned, unless identified in a comprehensive plan or other public facilities plan.

In this case, the criteria set forth in Florida Statute Section § 255.22 for reconveyance and abandonment have been met, giving rise to this request to authorize reconveyance to Sixth Street Corporation the 10-foot sidewalk easement along NW 7th Avenue and the 5-foot sidewalk easement along NW 4th Street.

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Sixth Street Corporation previously appeared before the City Commission on May 19, 2015 (CAM #15-0394) resulting in the City Commission authorizing reconveyance of the easement rights at issue. However, Sixth Street Corporation mutilated the Quit Claim Deed prior to recording and Broward County refused to allow it to be recorded. Further there were minor errors discovered in that approval process. In light of the described facts, it was deemed most appropriate to presently authorize reconveyance of the easement rights at issue pursuant to the attached Quit Claim Deed. (Exhibit 4)

Resource Impact

There is no fiscal impact to the City associated with this action.

Strategic Connections

This item is a *2021 Commission* Priority, advancing the Smart Growth initiative.

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace
- Objective: Create a responsive and proactive business climate to attract emerging industries

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

Attachments

Exhibit 1 – Conveyance to City of 10-foot sidewalk easement

Exhibit 2 – Conveyance to City of 5-foot sidewalk easement

Exhibit 3 – Florida Statute Section § 255.22

Exhibit 4 – Proposed Quit Claim Deed to Sixth Street

Exhibit 5 – Resolution authorizing conveyance

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