



**REQUEST:** Vacation of Right-of-Way: 50 –Foot-Wide by 300-Foot-Long Portion of SE 4<sup>th</sup> Avenue

<b>Case Number</b>	UDP-V21004	
<b>Applicant</b>	City of Fort Lauderdale	
<b>General Location</b>	A portion of SE 4th Avenue, south of the Tarpon River and north of SE 11th Street, lying east of SE 3rd Ave and west of South Federal Highway.	
<b>Property Size</b>	15,251 square feet (0.35 acres)	
<b>Zoning District</b>	Limited Residential Office District (ROA), Planned Residential Office District (ROC), and Residential Mid Rise Multifamily/Medium High-Density District (RMM-25)	
<b>Existing Use</b>	Public Right-of-Way	
<b>Future Land Use Designation</b>	South Regional Activity Center	
<b>Applicable ULDR Sections</b>	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Requirements	
<b>Notification Requirements</b>	Section 47-27.6, Sign Posting 15 days prior to meeting Section 47-27.6, Mail Notice 10 days prior to meeting Section 47-27.4, Public Participation	
<b>Action Required</b>	Recommend Approval of Vacation to City Commission, or Deny	
<b>Project Planner</b>	Tyler Laforme, Urban Planner II	FL EP

**PROJECT DESCRIPTION:**

The City of Fort Lauderdale requests to vacate a 50-foot wide by 300-foot-long portion of SE 4<sup>th</sup> Avenue, running north and south between the Tarpon River and SE 10<sup>th</sup> Court. The portion of SE 4<sup>th</sup> Avenue proposed to be vacated is located between SE 3<sup>rd</sup> Avenue and South Federal Highway. A sketch and legal description of the proposed vacation is attached as **Exhibit 1**. The application, narrative responses to criteria and utility letters are provided as **Exhibit 2**.

**PRIOR REVIEWS:**

The request was reviewed by the Development Review Committee (DRC) on November 30, 2021, and all DRC comments have been addressed and are included as **Exhibit 3**.

**REVIEW CRITERIA:**

The following Unified Land Development Regulations (ULDR) criteria apply:

**Vacation of Right-of-Way:**

As per ULDR Section 47-24.6.A.4., Vacation of Right-of-Way:

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

This segment of right-of-way only serves the applicant's properties abutting this portion of SE 4<sup>th</sup> Avenue, all of which are included in the proposed redevelopment project and is no longer needed as right-of-way for public purposes.

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

The portion of SE 4<sup>th</sup> Avenue that is proposed to be vacated only serves the applicant's abutting properties. Alternative public access routes exist in and around adjacent

streets without any impacts on circulation in the immediate area. Access from SE 3<sup>rd</sup> Avenue to South Federal Highway via SE 11<sup>th</sup> Street will remain unchanged.

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

The proposed right-of-way vacation does not create any dead-end conditions. Vehicles will still be able to navigate SE 3<sup>rd</sup> Avenue and SE 11<sup>th</sup> Street.

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

This segment of right-of-way only serves the applicant's properties abutting this portion of SE 4<sup>th</sup> Avenue. Future development plans will be required to include improved sidewalks along all street frontages, including on SE 3<sup>rd</sup> Avenue and SE 11<sup>th</sup> Street which will facilitate improved pedestrian connectivity from SE 3<sup>rd</sup> Avenue to South Federal Highway.

- 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;*

There are currently franchise and public utilities within the subject right-of-way. The applicant coordinated with the franchise utilities to address facilities existing within the vacation area. Letters of no objection have been obtained from the franchise utilities and the City's Public Works Department. If required by the affected agencies, the applicant will grant utility easements. The applicant will relocate utilities within the portion of the right-of-way to be vacated at their sole expense. The relocation plan is provided as **Exhibit 4**.

#### **Adequacy Requirements:**

The adequacy requirement criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed vacation. The proposed right-of-way vacation will not affect the adequacy of the public services and facilities. Criteria specific to any associated development plan will be applied at the time of site plan review.

The application and narrative responses regarding the project's compliance with ULDR Section 47-24.6.A.4., Vacation of Right-of-Way and Section 47-25.2, Adequacy Requirements are attached as part of Exhibit 2, to assist the Board in determining if the application meets the criteria.

#### **Public Participation**

The right-of-way vacation request is subject to the public participation requirements established in ULDR, Section 47-27.4. According to the applicant, a public participation meeting was held on December 16<sup>th</sup>, 2021, to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the proposed right-of-way vacations. The public participation meeting summary and affidavit are attached as **Exhibit 5**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed three signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs are attached as **Exhibit 6**.

**CONDITIONS OF APPROVAL:**

Should the Board approve the proposed vacation, the following conditions apply:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department, unless otherwise stipulated in an agreement between the City and the applicant;
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at applicant's expense, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider; and,
3. 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.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

Pursuant to ULDR Section 47-24.6.3, the Planning and Zoning Board shall consider the application for vacation of right-of-way and the record and recommendations forwarded by the Development Review Committee, and shall hear public comment on the application.

If the Planning and Zoning Board determines that the application meets the criteria for vacation, the recommendation shall be forwarded to the City Commission for consideration. If the Planning and Zoning Board determines that the criteria for vacation have not been met, the Board shall deny the application and the procedures for appeal to the City Commission as provided in Section 47-26B, Appeals, shall apply.

**EXHIBITS:**

1. Sketch and Legal Description
2. Application, Narratives and Utility Letters
3. November 30, 2021, DRC Comments
4. Utility Relocation Plan
5. Public Participation Meeting Summary and Affidavit
6. Public Notice Signs and Sign Affidavit