



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**REGULAR MEETING**

**#22-0865**

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

**FROM:** Greg Chavarria, City Manager

**DATE:** October 18, 2022

**TITLE:** Public Hearing - Quasi-Judicial Ordinance for Vacation of Right-of-Way 50-Foot Wide by 115-Foot-Long Portion of Valencia Street - Las Olas Harbor Club, LLC. - Case No. UDP- V20003 - **(Commission District 2)**

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**Recommendation**

Staff recommends the City Commission consider an ordinance vacating a 50-foot wide by 115-foot-long portion of public right-of-way known as Valencia Street, running south of Sebastian Street, north of East Las Olas Circle, east of North Birch Road, and west of the Intracoastal Waterway, in order to construct a new residential development.

**Background**

The applicant, Las Olas Harbor Club, LLC., requests to vacate a 50-foot wide by 115-foot-long portion of public right-of-way known as Valencia Street, running south of Sebastian Street, north of East Las Olas Circle, east of North Birch Road, in order to construct a new 10-unit multifamily residential development.

A companion Site Plan Level IV development permit application for a new 10-unit multifamily residential development with a conditional use approval and setback modification request (Case #PLN-SITE-20090002) will be placed on an upcoming City Commission agenda. The location map and sketch and legal description of the proposed vacation utility and access easements maps are attached as Exhibit 1. The application, narratives and utility letters are provided as Exhibit 2.

The request was reviewed by the Development Review Committee (DRC) on January 26, 2021. All comments have been addressed and are attached as Exhibit 3. On August 17, 2022, the Planning and Zoning Board (PZB) approved the request by a vote of 6-2. The August 17, 2022, PZB staff report, and meeting minutes are attached as Exhibit 4 and Exhibit 5, respectively.

The City Commission shall hold a public hearing to consider the application, the record, and recommendations forwarded by the DRC and the Planning and Zoning Board, shall hear public comment on the application and determine whether the request meets the criteria for the vacation.

**Review Criteria:**

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

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- Section 47-24.6, Vacation of Rights-of-Way
- Section 47-25.2, Adequacy Requirements

**Vacation of Rights-of-Way:**

As per ULDR Section 47-24.6.A.4, Vacation of Right-of-Way, the request is subject to the following criteria:

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

At this location, Valencia Street dead-ends at the Intracoastal Waterway. The right-of-way is currently utilized as Portofino condominium's vehicular accessway, for which the applicant is proposing to grant a 498 square-foot access easement over their portion of the vacated area. As part of the vacation certification, the City and franchise utility providers will be provided with utility relocations or easements for their respective infrastructure, as needed.

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

Portofino condominium property owners will continue to have access through their half of the vacated right-of-way as well as through the proposed access easement. Vehicular access to the applicant's proposed development is currently contemplated along Birch Road to meet stacking requirements.

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

Portofino condominium property owners will continue to have access through their southern half of the vacated 50-foot right-of-way as well as through the proposed access easement on the northern half of the vacated right-of-way. Refer to the access easement exhibit included as part of Exhibit 1. Vehicular access to the applicant's proposed development is currently contemplated along Birch Road.

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

Pedestrian traffic will not be impacted to nearby destinations, except to the edge of the Intracoastal Waterway at the western end of the right-of-way. The existing right-of-way allows pedestrians to cross Valencia Street on the west side of Birch Road and this pedestrian route will be maintained.

- 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;*

Applicant will relocate all utilities to the satisfaction of the respective utility owners or will grant an easement over the existing right-of-way for the utilities that will remain, as applicable. The applicant proposes utility access easements over the vacated area as shown on the utility easement map included as part of Exhibit 1. Applicant has provided utility letters from all applicable utility companies, included as part of Exhibit 2.

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

1. Applicant will coordinate and provide proposed access to accommodate vehicular turning movements and utility easements over portions of the vacated area as depicted on page 4 and page 5 of Exhibit 1.
2. A public utility easement shall be granted over the entire vacated 50-foot right-of-way, between the Intracoastal Waterway and N. Birch Road for Public Works access, maintenance, and future infrastructure improvements for the exclusive use of public utilities. No easement rights may be granted of this easement area for any private utilities. Any installation of landscape improvements within the granted public utility easement will require approval from the City.
3. AT&T has conditioned its consent to the vacation on the relocation of existing AT&T facilities associated within the proposed project and encroachments at the owner's expense.
4. Prior to the execution of the Engineer's Certificate, letters from utility owners who have conditioned their consent to the vacation shall be provided to the City Engineer or designee indicating the removal, relocation, or satisfaction of any applicable conditions. 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. 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.
5. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
6. 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.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

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

- Neighborhood Enhancement
- Goal 4: Build a thriving and inclusive community of neighborhoods.
- Objective: Work with partners to reduce homelessness by promoting independence and self-worth through advocacy, housing, and comprehensive services

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

### **Attachments**

Exhibit 1 – Location Map and Sketch and Legal Description

Exhibit 2 – Application, Narratives, and Utility Letters

Exhibit 3 – January 26, 2021 DRC Comments

Exhibit 4 – August 17, 2022 Planning and Zoning Board Staff Report

Exhibit 5 – August 17, 2022 Planning and Zoning Board Meeting Minutes

Exhibit 6 – Ordinance

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