



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

**#13-0802**

---

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

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** June 18, 2013

**TITLE:** QUASI-JUDICIAL – FIRST READING OF ORDINANCE – Vacation of  
Right-of-Way – BAC Home Loans Case 6-P-13

---

**Recommendation**

It is recommended that the City Commission approve an ordinance vacating a 5-foot wide by 74.5-foot long portion of NE 27<sup>th</sup> Avenue, effective upon the completion of all conditions of approval consistent with ULDR Section 47-24.6, Vacation of Right-of-Way.

**Background**

The applicant requests the vacation of the subject portion of right-of-way equaling approximately 3742.5 square feet, and which is adjacent to the southern boundary of the single-family property located at 2401 NE 27<sup>th</sup> Avenue. An existing pool, brick paver deck and a wall have encroached into NE 27<sup>th</sup> Avenue since 1972, when the improvements were installed and inspected.

The project was reviewed by the Planning and Zoning Board on May 15, 2013, and approved by a vote of 8-0. The applicant's narrative, minutes and report of the PZB are available as Exhibits 2, 3 and 4 respectively. The sketch and legal are provided in the attached ordinance.

The application is subject to the criteria as indicated in ULDR *Section 47-24.6, Vacation of Right-of-Way*, which includes the following:

- a. The right-of-way or other public place is no longer needed for public purposes; and
- b. Alternate routes if needed are available which do not cause adverse impacts to surrounding areas; and
- c. The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area; and
- d. The closure of a right-of-way shall not adversely impact pedestrian traffic;

- 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.

The application meets the criteria as indicated in ULDR Section 47-24.6, Vacation of Right-of-Way. The right-of-way width of 20' to the centerline of the street will be maintained, which provides for adequate travel lane at this location.

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 ("PZB") and shall hear public comment on the application when determining whether the vacation request meets the criteria for vacation of right-of-way.

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

1. Any utilities required to be removed, replaced or relocated, shall be done so at the applicant's expense, and as approved by the City Engineer;
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. 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.

### **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 from May 15, 2013 Planning and Zoning Board meeting

Exhibit 4 - Final minutes from May 15, 2013 Planning and Zoning Board meeting

Exhibit 5 - Ordinance

---

Prepared by: Yvonne Redding, Planner II

Department Director: Greg Brewton, Sustainable Development