



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

#23-0484

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

FROM: Greg Chavarria, City Manager

DATE: June 6, 2023

TITLE: Quasi-Judicial Resolution Vacating a 15-Foot Utility Easement Located at
745 N Andrews Avenue – Flagler Gateway Owner, LLC. – Case No. UDP-
EV22006 - (**Commission District 2**)

Recommendation

Staff recommends the City Commission consider a resolution vacating a 15-foot utility easement located at 745 N. Andrews Avenue.

Background

The applicant, Flagler Gateway Owner, LLC, requests to vacate a 15-foot-wide utility easement bisecting the property located at 745 N. Andrews Avenue. The easement was previously located within an alley which was vacated by Ordinance No. C-82-88. It was retained as a utility easement in Official Records Book 10741, Page 446 of the Public Records of Broward County. The easement currently does not contain any utilities. However, if any utilities are found during the construction of the associated development of a 215-unit multi-family residential project with 5,783 square feet of commercial use (Case# UDP-S22027) they will be relocated at the applicant's expense. The property is located in the Northwest Regional Activity Center - Mixed Use East (NWRAC-MUE) zoning district with the underlying land use of Northwest Regional Activity Center (Northwest RAC). A location map is attached as Exhibit 1.

The City's Development Review Committee (DRC) reviewed the easement vacation application on July 12, 2022. All comments have been addressed. The application, applicant's narratives, plans, and utility provider letters stating no objection to the vacation are attached as Exhibit 2. The DRC Comment Report with applicant's responses is attached as Exhibit 3. The sketch and legal description of the proposed vacation is attached as Exhibit 4.

The City Commission shall consider the application, the record, and public comment on the application when determining whether the application meets the criteria for vacation. Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-24.7, Vacation of Easement, the City Commission is to consider the application and the record

and recommendations forwarded by the DRC and shall hear public comment on the application to determine whether the application meets the following criteria for vacation of an easement:

- a. *The easement is no longer needed for public purposes;*

There are no franchise utility provider facilities located within the proposed vacation of easement area. If any utilities are found during the construction of the associated development, the relocation shall be at the expense of the applicant.

- b. *All utilities located within the easement 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 portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same;*

There are no utilities currently located within the easement area. If any utilities are found, the applicant shall coordinate with the franchise utility providers to relocate the found utility at the expense of the applicant. The applicant has obtained letters of no objection from the providers who have rights to place utilities in the easement: City of Fort Lauderdale Public Works Department, AT&T, FP&L, TECO Gas, and Comcast Cable.

Should the City Commission determine that the proposed application meets the criteria for vacation of easement, the following conditions apply:

1. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
2. Any other utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
3. The applicant shall record a copy of the Easement Vacation Resolution in the Public Records of Broward County at the applicant's expense, within 30 days from the date of final passage, and the applicant shall provide the City Clerk with a copy of the recorded Resolution.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the Press Play Fort Lauderdale Strategic Plan 2024, included within the Business Development Cylinder of Excellence, specifically advancing:

- The Infrastructure Focus Area.
- Goal 1: Build a sustainable and resilient community.
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure.

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

This item also supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatibility of uses.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – Application, Applicant’s Narratives, Plans, and Utility Letters

Exhibit 3 – DRC Comment Report

Exhibit 4 – Sketch and Legal Description

Exhibit 5 – Resolution

Prepared by: Nicholas Kalargyros, Urban Planner,
Development Services Department

Department Director: Christopher Cooper, AICP, Development Services
Department