



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

#22-0200

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: April 19, 2022

TITLE: Quasi-Judicial Resolution to Vacate a Portion of a Parking Easement
Located at 419 SE 2nd Street – MQMF Las Olas Owner, LLC - Case No.
UDP-EV21011 - **(Commission District 4)**

Recommendation

Staff recommends that the City Commission consider a resolution vacating a portion of a parking easement that runs north and south through the subject property located at 419 SE 2nd Street. The request satisfies the provisions of the City's Unified Land Development Regulations (ULDR), Section 47-24.7, Vacation of Easement.

Background

The applicant, MQMF Las Olas Owner, LLC, requests to vacate a portion of parking easement used to provide 5 parking spaces. A location map is attached as Exhibit 1.

The City's Development Review Committee (DRC) reviewed the easement vacation application on January 11, 2022. All comments have been addressed and are available on file with the Development Services Department. The DRC comment report is attached as Exhibit 2.

In 2004, Summit Properties Partnership, L.P. granted a nonexclusive public parking easement to mitigate the loss of public parking spaces due to the approval of a site plan for the Summit Las Olas Project (150-R-00). The public parking easement provides for nine (9) parking spaces for public parking use at which the City could install, maintain and repair meters, signage and pavement markings and collect parking revenue. DRC approved the development application for Eden Las Olas Project (DRC Case No. R17044), which impacted 5 of the spaces. The easement deed allows the owner to relocate the spaces with the approval of the City. Staff approved the relocation of the spaces and they have been since relocated to the southwest corner of SE 15th Avenue and SE 16th Street. The applicant is requesting to vacate the portion of the parking easement that contained the 5 space that were relocated and are no longer needed.

The Applicant's application, narratives, and recorded easement deed are 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, staff recommendation, 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.A.4, Vacation of Easement, the request is subject to the following criteria:

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

The easement was solely for parking and allowed the grantor to relocate the spaces upon approval by the City. The City approved the relocation, and the parallel parking spaces no longer exist adjacent to the property on SE 5th Avenue. Therefore, the easement is no longer needed for public purposes.

- 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;*

The easement is not a utility easement.

Should the Commission 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 the expense of the applicant, and easements will be dedicated, 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, 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:

- 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.

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

- The Business Development Focus Area
- The Economic Development Element
- Goal 1: Enhance Fort Lauderdale's stature as a global, business friendly destination through the development of a business identity, enhanced marketing, branding, and support for enhanced local activities and tourism development.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – DRC Comment Report

Exhibit 3 – Applicant's Application, Narratives, and Recorded Easement Deed

Exhibit 4 – Sketch and Legal Description

Exhibit 5 – Resolution

Prepared by: Yvonne Redding, Urban Planner III, Development Services Department

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