



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

**#22-0203**

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**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 Storm Sewer Easement Located at  
2724 Sea Island Drive – Marco and Shannon Markin - Case No. UDP-  
EV21006 - **(Commission District 2)**

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**Recommendation**

Staff recommends that the City Commission consider a resolution vacating a storm sewer easement that runs east and west through the subject property located at 2724 Sea Island Drive. The request satisfies the provisions of the City's Unified Land Development Regulations (ULDR), Section 47-24.7, Vacation of Easement.

**Background**

The applicants, Marco and Shannon Markin, requests to vacate a 6-foot wide storm sewer easement. A location map is attached as Exhibit 1.

The City's Development Review Committee (DRC) reviewed the easement vacation application on October 26, 2021. All comments have been addressed and are available on file with the Development Services Department. The DRC comment report is attached as Exhibit 2.

The survey submitted with the permit application did not depict the easement. The storm sewer easement was discovered after the home addition and pool were constructed over the easement and the final spot survey was provided. The utilities have since been relocated on the property and the applicant is requesting to vacate the utility easement which is 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. A copy of the easement deed 797 page 125, which was recorded on May 14, 1952, is attached as Exhibit 5.

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;*

As noted above, the existing stormwater was abandoned and a new stormwater pipe was installed at a different location on the property by the applicant. A substitute non-exclusive easement is proposed to replace the existing easement. The new easement will be wider and the infrastructure within the easement will be upgraded from a 10" drainage pipe to a 12" drainage pipe.

- 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 known utilities in the easement to be vacated. Objection letters were not necessary due to the relocation of the utilities within the new 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 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 Infrastructure Enhancement Focus Area
- The Sanitary Sewer, Water, and Stormwater Element
- Goal 3: Ensure that all areas of the City are reasonably protected from flooding giving due consideration to the City's natural and built environment.

**Attachments**

Exhibit 1 – Location Map

Exhibit 2 – DRC Comment Report

Exhibit 3 – Applicant's Application and Narratives

Exhibit 4 – Sketch and Legal Description

Exhibit 5 – Recorded Easement Deed 797 Page 125

Exhibit 6 – Resolution

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