



REQUEST: Vacation of Right-of-Way: 10-Foot-Wide by 124-Foot-Long portion of alley

Case Number	UDP-V21007	
Applicant	Federal Highway Holdings, LLC	
Agent	Nectaria M. Chakas, Esq./Lochrie & Chakas, P.A.	
General Location	Portion of right-of-way, north of SE 8 th Street, east of SE 4 th Avenue, south of SE 7 th Street and west of S. Federal Highway	
Property Size	47,451 square feet (1.08 acres)	
Zoning District	Regional Activity Center – City Center (RAC-CC)	
Future Land Use Designation	Downtown Regional Activity Center	
Applicable ULDR Sections	Section 47-25.2, Adequacy Requirements Section 47-24.6, Vacation of Right-of-Way	
Notification Requirements	Section 47-27.6, Sign Posting 15 days prior to meeting Section 47-27.6, Mail Notice 10 days prior to meeting Section 47-27.4, Public Participation	
Action Required	Recommend Approval of Vacation to City Commission, or Deny	
Project Planner	Michael P. Ferrera, Urban Planner II	MPF <i>EP</i>

PROJECT DESCRIPTION:

The applicant, is requesting to vacate a 10-foot wide by 124-foot-long portion of the alley, located north of SE 8th Street, east of SE 4th Avenue, south of SE 7th Street and west of Federal Highway. The alley to be vacated was originally dedicated by plat. The western portion of the alley was vacated in 1938. In 1998, a one-story office building was constructed over the subject alley. The applicant would like to clean-up the remaining eastern portion of the alley to ensure the entire alley has been fully vacated. A location map is attached as **Exhibit 1**. The sketch and legal description of the proposed vacation is attached as **Exhibit 2**. The application, narrative responses to criteria and utility letters are provided as **Exhibit 3**.

PRIOR REVIEWS:

The Development Review Committee (DRC) reviewed the proposal on January 11, 2022, and all comments have been addressed. The DRC comments are provided as **Exhibit 4**.

REVIEW CRITERIA:

The following Unified Land Development Regulations (ULDR) criteria apply to the proposed request:

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

Vacation of Right-of-Way:

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

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

The alley was originally dedicated by the "Fisher Subdivision, Lot 1 Block 58, of the Town of Fort Lauderdale, Florida" Plat (Plat Book 1 Page 34). Currently, it is not being used as an alley. In 1998, a one-story office building was constructed over the subject alley.

May 18, 2022

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

The alley is not currently used for pedestrian or vehicle traffic. The Property can be accessed from Federal Highway and SE 8th Street. The surrounding roadway network is not affected by this alley vacation request. Abutting properties to the north, east and west continue to have access from either SE 7th Street or SE 8th Street.

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

The closure of the alley will continue to provide safe areas for vehicles to turn and exit the area via Federal Highway and SE 8th Street.

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

The alley is not currently used for pedestrian traffic. Pedestrians will be able to continue to use the adjacent roadway network for travel.

- 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;*

There are currently no franchise and public utilities within the subject right-of-way. Letters of no objection from AT&T, Comcast, City of Fort Lauderdale and TECO Gas stating no objection to the vacation have been provided.

Adequacy Requirements:

The adequacy requirement criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed vacation. The proposed right-of-way vacation will not affect the adequacy of the public services and facilities. The proposed right-of-way vacation will not affect the adequacy of the public services and facilities.

The application and narrative responses regarding the project's compliance with ULDR Section 47-24.6.A.4., Vacation of Right-of-Way and Section 47-25.2, Adequacy Requirements are attached as part of Exhibit 2, to assist the Board in determining if the application meets the criteria.

Public Participation

The right-of-way vacation request is subject to the public participation requirements established in ULDR, Section 47-27.4. According to the applicant, a public participation meeting was held on January 13, 2022, to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the proposed right-of-way vacation. The public participation meeting summary and affidavit are attached as **Exhibit 5**.

This request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed two signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs are attached as **Exhibit 6**.

CONDITIONS OF APPROVAL:

Should the Board 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 applicant's expense, or easements granted, 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 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; and,
3. 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. The certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the city.

PLANNING & ZONING BOARD REVIEW OPTIONS:

Pursuant to ULDR Section 47-24.6.3, the Planning and Zoning Board shall consider the application for vacation of right-of-way and the record and recommendations forwarded by the Development Review Committee, and shall hear public comment on the application.

If the Planning and Zoning Board determines that the application meets the criteria for vacation, the recommendation shall be forwarded to the City Commission for consideration. If the Planning and Zoning Board determines that the criteria for vacation have not been met, the Board shall deny the application and the procedures for appeal to the City Commission, as provided in Section 47-26B, Appeals, shall apply.

EXHIBITS:

1. Location Map
2. Sketch and Legal Description
3. Application, Narratives and Utility Letters
4. January 11, 2022 Development Review Committee Comments
5. Public Participation Meeting Summary and Affidavit
6. Public Notice Signs and Sign Affidavit