



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#23-0722

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

FROM: Greg Chavarria, City Manager

DATE: September 19, 2023

TITLE: Quasi-Judicial Resolution Vacating a Utility Easement that is 168-Feet in Length with a Varied Width Ranging from 14-Feet to -7-Feet Located at 111 SW 3rd Avenue – Nugent Avenue Parking, LLC. – Case No. UDP-EV23001 – **(Commission District 2)**

Recommendation

Staff recommends the City Commission consider a resolution vacating a utility easement that is 168-feet in length with a varied width ranging from 14-feet to 7-feet located at 111 SW 3rd Avenue.

Background

The applicant, Nugent Avenue Parking, LLC., requests to vacate a utility easement that is 168-feet in length with a varied width ranging from 14-feet to 7-feet located at 111 SW 3rd Avenue. The property was previously bisected by a north-south 14-foot-wide alley. The alley was vacated by Ordinance No. C-89-94 and was retained as a utility easement in Official Records Book 17411, Page 610 of the Public Records of Broward County. The easement currently contains Florida Power and Light (FP&L) utilities which will be relocated per the proposed relocation plan provided in this submittal. The property is located in the Regional Activity Center – Arts and Sciences (RAC-AS) zoning district with the underlying land use of Downtown Regional Activity Center (Downtown RAC). A location map is attached as Exhibit 1.

The City's Development Review Committee (DRC) reviewed the easement vacation application on April 11, 2023. The Application, Applicant's Narratives, and Utility Letters stating no objection to the vacation are attached as Exhibit 2. The April 11, 2023, DRC Comment Report is attached as Exhibit 3. The DRC Comment Report with Applicant's Response is attached as Exhibit 4. The Sketch and Legal Description of the Proposed Vacation is attached as Exhibit 5.

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;*

A portion of the utility easement located on the abutting property to the north has already been vacated. As part of the relocation and removal of the utilities, the owner is working with the utility companies to relocate all utilities located on the subject parcels as well as those located on the abutting properties to the north. Letters of no objection from the utility companies are included in this submission, stating that they have no objection to the vacation of the easement on owner's property. Therefore, this 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;*

Applicant has provided letters of no objection from TECO, AT&T, FPL, Comcast, and the City's Public Works Department. Utilities will be relocated and a new utility easement is proposed that will be located around the perimeter of the affected parcels.

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

1. Any utility infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
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.

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 and Utility Letters

Exhibit 3 – April 11, 2023, DRC Comment Report

Exhibit 4 – DRC Comment Report with Applicant’s Response

Exhibit 5 – Sketch and Legal Description

Exhibit 6 – Resolution

Prepared by: Michael P. Ferrera, Development Services Department

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