



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

#15-0964

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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: August 18, 2015

TITLE: Quasi-Judicial Resolution Granting an Easement Vacation – Case File
E15003

Recommendation

It is recommended that the City Commission adopt a resolution vacating an easement on NE 55 Court, east of NE 33 Avenue consistent with the Unified Land Development Regulations (ULDR) Sec. 47-24.7, Vacation of Easement and Sec. 47-25.2, Adequacy Requirement.

Background

The applicant proposes to vacate a 12-foot drainage easement.. A map identifying the location is attached as Exhibit 1. The private property owners of 5520 NE 33rd Avenue are requesting to vacate the easement that runs along the common boundary line of lots 11 and 12, Block 12, of The Landings First Section, according to the plat thereof, as recorded in Plat Book 56, Page 4 of the Public Record of Broward County, Florida. Vacation of the easement is needed in order to construct a new home on lots 11 and 12. The applicant's narrative and responses to criteria are attached as Exhibit 2. Letters from utility service providers indicate their consent to vacating the easement. Letters from the utility service providers are attached as Exhibit 3. The applicant proposes to grant a 12-foot drainage easement along the north property line of Lot 12 to replace the easement to be vacated and the relocation of an 18-inch drainage line.

Pursuant to criteria outlined in ULDR Sec. 47-24.7, Vacation of Easement, Development Review Committee (DRC) reviewed the application on May 26, 2015. The application, the record, and the report of the DRC are available for review upon request. The sketch and legal description are provided in the attached resolution (see Exhibit 4).

Should the Commission approve the proposed vacation, staff proposes the following conditions:

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 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 the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.
3. Applicant shall convey a 12-foot drainage easement along the north property line of Lot 12 to replace the easement to be vacated, the location to be approved by the City Public Works Department, by an instrument approved by the City Attorney's Office.

The City Commission shall, at a regular public meeting, consider the application, the record and recommendations forwarded by the DRC, and public comments when determining whether the easement vacation request meets the criteria for vacation. The records and recommendations are available upon request.

The City Commission must determine whether: 1) the easement is no longer needed for public purposes and 2) 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.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 5: Be a community of strong, beautiful, and healthy neighborhoods.
- Objective 2: Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

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

Attachments

- Exhibit 1 - Location Map
- Exhibit 2 - Applicant's Narrative
- Exhibit 3 - Utility Letters
- Exhibit 4 - Resolution

Prepared By: Karlanne Grant, Planning Assistant

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