



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

#15-1141

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

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

DATE: October 6, 2015

TITLE: Quasi-Judicial – Ordinance Vacation of a 19,000 square foot portion of NE
5th Terrace - Case V15001

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a portion of NE 5th Terrace between NE 7th Street and NE 8th Street.

Background

Flagler Village Land Trust requests to vacate a portion of NE 5th Terrace located 150 feet south of NE 8th Street and north of NE 7th Street, in order to reconfigure the block as part of a proposed development project. The applicant has requested to vacate a 19,000 square foot portion of right-of-way that is 40 feet wide by 475 feet in length. This action will provide a larger developable parcel that fronts on Federal Highway which is in accordance of the Downtown Master Plan. The applicant has also proposed dedicating new vehicular and pedestrian easements that will provide an alternate north-south connection within the block. A map showing the location of the proposed vacation is included as Exhibit 1.

Pursuant to Unified Land Development Regulations (ULDR) Section 47-24.6, Vacation of right-of-way, the project was reviewed by the Planning and Zoning Board (PZB) on August 19, 2015, and recommended for approval by a vote of 7-0. The applicant's narrative, PZB staff report, and PZB minutes are attached as Exhibits 2, 3 and 4 respectively. The sketch and legal are provided in the attached ordinance.

The application is subject to ULDR Section 47-24.6, Vacation of right-of-way, which includes the following criteria under subsection 4:

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

The vehicular and pedestrian easement located to the west of the current right-of-way will continue to operate as a two-way road with a sidewalk/multi-

use path as requested by staff and therefore, this portion of NE 5th Avenue will no longer be needed for public purposes.

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

Vacating the right-of-way will not disrupt the grid pattern in the neighborhood. The existing street grid system provides alternative options for vehicular movement around the property. Staff recommends a condition that requires the dedication of vehicular and pedestrian easements that will replace this portion of NE 5th Terrace and allow for cross access within the development.

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

The closure of the right-of-way would not affect how vehicles turn around and exit the area. Sufficient areas for maneuverability currently exist within the developed right-of-way and private property. The existing street grid system provides alternative options for vehicular movement around the property.

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

Pedestrian traffic will be located within the sidewalk of the proposed easement. Staff has worked with the applicant to ensure that safe and adequate sidewalks for pedestrians will exist within the proposed development.

- 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.*

Staff has recommended as a condition of approval that all utilities located within the vacation area, including any utilities held by the City, will relocate as part of the redevelopment of the property. All affected utility franchises have provided letters of no objection to the vacation subject to the relocation of any existing utilities within the right-of-way.

Applicant's response narratives to the criteria are provided as part of the submittal package.

Staff Findings

The application meets the criteria as indicated in ULDR Section 47-24.6, Vacation of Right-of-Way and Section 47-25.2, Adequacy Review. Staff finds that the request is consistent with the applicable ULDR sections and recommends the Board approve the request subject to conditions provided herein.

Conditions

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. 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 listed in the ordinance have been met. A copy of the recorded certificate must be provided to the City.
4. Applicant shall record the vehicular and pedestrian easements agreed to by the City prior to the issuance of the engineering certificate.
5. All interior sidewalks, including along the proposed access roadway, will be a minimum of seven feet wide.

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 Business Development Cylinder of Excellence, specifically advancing:

- Goal 7: Be a well- positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port, and rail connections.
- Objective 2: Facilitate a responsive and proactive business climate.

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

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Response

Exhibit 3 - PZB Staff Report – August 19, 2015

Exhibit 4 - PZB Minutes – August 19, 2015

Exhibit 5 - Ordinance

Prepared by: Eric Engmann, Planner II

Department Director: Jenni Morejon, Sustainable Development