



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

**#16-0046**

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

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

**DATE:** January 20, 2016

**TITLE:** Quasi-Judicial – Ordinance Vacating a Portion of Right-of-Way known as  
Southeast 7<sup>th</sup> Street – Case Number V15004

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**Recommendation**

It is recommended that the City Commission adopt an ordinance vacating a portion of Southeast 7<sup>th</sup> Street.

**Background**

The applicant requests to vacate a 742 square foot portion of right-of-way located on the west side of SE 7th Street / Ponce De Leon Drive in the Rio Vista Isles subdivision. The portion of the subject right-of-way extends at an angled turn of the road behind the existing sidewalk. If vacated, the applicant's new property line will be consistent with the existing property line of other properties located along the north side of SE 7th Street. The proposed configuration will retain the 50-foot minimum right-of-way width for local roadways required in the subdivision regulations of the Unified Land Development Regulation (ULDR). A map showing the location of the proposed vacation is included as Exhibit 1.

Pursuant to Section 47-24.6 of the ULDR, Vacation of Right-of-Way, the project was reviewed by the Planning and Zoning Board (PZB) on December 16, 2015, and recommended for approval by a vote of 7 to 0. The applicant's narrative, PZB staff report, and PZB minutes are attached as Exhibits 2, 3, and 4. The sketch and legal are provided in the attached ordinance.

The application is subject to Section 47-24.6 of the ULDR, 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*

This portion of right-of-way does not serve as a thoroughfare and does not provide vehicular or pedestrian access. The 742 square-foot segment does not serve a vehicular function other than to the abutting property owned by

the applicant. The vacation will not restrict or prevent access to the existing roadway or sidewalk.

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

This portion of the right-of-way is currently not used for access, as a fence exists at its western end. Adequate vehicular and pedestrian access to the neighborhood is provided on the remaining portion of NE 7th Street. Therefore, no alternate routes will be required to serve this area.

- 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 vehicular circulation. A safe turnaround area is located approximately 125 feet south of the subject area at the terminus of SE 7th Street.

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

The proposed vacation will not adversely affect pedestrian traffic. The proposed vacation will be located behind the existing pedestrian sidewalk.

- 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.*

All utilities located within the vacation area, including any utilities held by the City will be relocated. All affected utility franchises have provided letters of no objection to the vacation.

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 Section 47-24.6 of the ULDR, 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 City Commission approve the request subject to conditions provided herein.

### **Conditions**

Should the City 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.

#### **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 Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 1: Be a pedestrian friendly, multi-modal City.
- Objective 2: Integrate transportation land use and planning to create a walkable and bikeable community.

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

#### **Attachments**

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Response

Exhibit 3 - PZB Staff Report

Exhibit 4 - PZB Meeting Minutes from December 16, 2015

Exhibit 5 - Ordinance

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Prepared by: Eric Engmann, Planner II

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