



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

#16-0473

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

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

DATE: May 3, 2016

TITLE: Quasi-Judicial – Ordinance Vacating a Portion of Alley Right-of-Way –
3212 NE 32 Street – PDKN P-4 LLC - Case Number 7P13

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 700 square foot portion of alley located behind 3212 NE 32 Street.

Background

The applicant requests to vacate a 700 square foot portion of alley lying between NE 32nd Avenue and NE 33rd Avenue. The vacation request will allow for the finalization of a land swap to relocate Fire Station #54 and construct a parking lot for the Bokampers Sports Bar and Grill. A 2,379 square foot portion of the alley to the west of this segment was vacated on September 18, 2007. A map showing the location of the proposed vacation is included as Exhibit 1.

Pursuant to Section 47-24.6 of the Unified Land Development Regulations (ULDR), Vacation of Right-of-Way, the project was reviewed by the Planning and Zoning Board (PZB) on March 16, 2016, and recommended for approval by a vote of 9 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 as part of 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 currently provide vehicular or pedestrian access. The portion of the alley to the west of this area was vacated in 2007 (Case 6-P-07). The subject 700 square foot segment does not serve a vehicular function and will be incorporated into the redevelopment of the property. The vacation will not restrict or prevent access to the existing roadway or sidewalk network.

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

There are alternative access routes on existing streets surrounding the block. Furthermore, a condition to maintain an access and utility easement is included.

- 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 will not affect vehicular circulation. Open access around the exterior of the block will continue to provide for safe vehicular turn around and exit.

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

The proposed vacation will not adversely affect pedestrian traffic. Existing sidewalks provide for safe pedestrian circulation around the block.

- 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 utilities held by the City, will remain in their existing location. All affected utility franchises have provided letters of no objection to the proposed vacation so long as a utility easement is retained over the vacated alley.

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

Conditions:

Should the City Commission approve the proposed vacation, the following conditions apply:

1. An access and utility easement shall be reserved and retained over the right-of-way area that is to be vacated; and
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. 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 Public Safety Cylinder of Excellence, specifically advancing:

- Goal 9: Be the safest urban coastal City in South Florida through preventative and responsive police and fire protection.
- Objective 2: Provide quick and exceptional fire, medical, and emergency response.

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

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Response

Exhibit 3 - PZB Staff Report

Exhibit 4 - PZB Meeting Minutes from March 16, 2015

Exhibit 5 - Ordinance

Prepared by: Eric Engmann, Planner II

Department Director: Al Battle Jr., Sustainable Development