



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

17-0517

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

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

DATE: May 2, 2017

TITLE: Resolution Vacating a Water and Sewer Utility Easement (located north of West Broward Boulevard, west of Northwest 22nd Avenue, east of Northwest 25th Avenue, and south of the North Fork New River) – Riverbend Broward, LP – Case Number E16009

Recommendation

It is recommended that the City Commission adopt a resolution vacating a water and sewer utility easement pursuant to Sec. 47-24.7, Vacation of Easement of the Unified Land Development Regulations (“ULDR”).

Background

The applicant proposes to vacate the existing water and sewer utility easement. The site is located north of West Broward Boulevard, west of Northwest 22nd Avenue, east of Northwest 25th Avenue, and south of the North Fork New River. A map identifying the location is attached as Exhibit 1.

The applicant’s narrative and responses to easement vacation criteria are attached as Exhibit 2. Letters from utility service providers indicate their consent to vacating the easement and are attached as Exhibit 3.

Pursuant to criteria outlined in Sec. 47-24.7 of the ULDR, Vacation of Easement, the Development Review Committee (DRC) reviewed the application on October 25, 2016. The application, the record and the report of the DRC are available for review upon request with the Department of Sustainable Development (DSD). The sketch and legal description are provided in the attached resolution as Exhibit 4.

The applicant and property owner of 2201 W Broward Boulevard is requesting to vacate a water and sewer utility easement in which are located an existing 8-inch water main and an 8-inch sanitary sewer. These existing utilities will be relocated to allow for new development proposed on the property. The applicant proposes to grant a new easement outside of the proposed buildings to accommodate the relocated 8-inch water main and 8-inch sanitary sewer.

An associated Site Plan Level III application (Case # R16060) to develop two buildings consisting of retail, office, self-storage, and warehouse uses abutting a navigable waterway has been submitted by the applicant and received approval by the Planning and Zoning Board (PZB) by a vote of 6-2 on March 15, 2017. An associated rezoning (Case Z17001) to rezone portions of the site from Boulevard Business (B-1), General Business (B-2) and Intense Commercial Business District (B-3 County) to Heavy Commercial/ Light Industrial Business District (B-3) has also been submitted by the applicant and also received approval by the PZB by a vote of 8-0 on March 15, 2017.

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

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 grant a utility easement, 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 Business Development Cylinder of Excellence, specifically advancing:

- Goal 6: 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 Community*.

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Narrative

Exhibit 3 - Utility Letters

Exhibit 4 - Resolution

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