



**REQUEST:** Right-of-Way Vacation; Alley Vacation

<b>Case Number</b>	V17012
<b>Applicant</b>	Charles Humphries, Related Development, LLC
<b>General Location</b>	201 South Federal Highway – A portion of the north-south alley lying between S. Federal Highway and SE 5th Avenue, and between Las Olas Boulevard and SE 2nd Street
<b>Property Size</b>	3,360 Square Foot R.O.W. Vacation
<b>Zoning</b>	Regional Activity Center-City Center
<b>Existing Use</b>	Public Right-of-Way
<b>Future Land Use Designation</b>	Downtown Regional Activity Center (D-RAC)
<b>Applicable ULDR Sections</b>	Sec. 47-24.6 Vacation of Right-of-Way Sec. 47-25.2, Adequacy Criteria
<b>Notification Requirements</b>	Sec. 47-27.6 Sign Posting 15 days prior to meeting; Sec. 47-27.6 Mail Notice 10 days prior to meeting. Sec. 47-27.4. Public Participation
<b>Action Required</b>	Recommend Approval of Vacation to City Commission, or Deny
<b>Project Planner</b>	Randall Robinson, Planner III

**PROJECT DESCRIPTION:**

The applicant, Charles Humphries, Related Development, LLC, requests the vacation of a 14-foot-wide, 240-foot-long portion of alley right-of-way located between S. Federal Highway and SE 5th Avenue, and between Las Olas Boulevard and SE 2nd Street, near the intersection of SE 2nd Street and SE 6th Avenue. The proposed alley vacation is associated with the "RD Las Olas" mixed use project (Case #R17048) which is currently under review.

A sketch and legal description is provided as Exhibit 1.

**PRIOR REVIEWS:**

This application was deferred from the December 20, 2017 Planning & Zoning Board Hearing.

The request was reviewed by the Development Review Committee (DRC) on August 22, 2017. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD).

**REVIEW CRITERIA:**

As per ULDR Section 47-24.6.A.4, the request is subject to the following criteria:

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

The alley right-of-way is 14-feet-wide. The alley abuts the proposed redevelopment site for the "RD Las Olas" mixed use project on the east side. The lots comprising the site are being assembled under single ownership. The abutting owner on the west side has agreed to convey the west half of the vacated alley to be included in the redevelopment site. The remaining property abutting the southern portion of the alley will continue to have access to the public portion of the alley.

- 2 The applicant is proposing to grant a 14-foot wide public access easement, corresponding to the vacated portion of the alley to provide for continuous access between Las Olas Blvd. and SE 2nd Street. The subject alley right-of-way segment is not currently being used for pedestrian circulation. The applicant will also grant easements for relocated utilities existing in this portion of the alley, as needed.

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

The proposal will not adversely impact connectivity. The applicant is proposing to grant an access easement over the vacated alley right-of-way connecting the remaining public portion of the alley to SE 2nd Street. A new sidewalk will be constructed as part of the RD Las Olas development for pedestrian circulation.

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

An access easement is being proposed over the vacated alley right-of-way to maintain a connection between SE 2nd Street and Las Olas Boulevard and a turnaround is not necessary.

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

The alley does not currently serve pedestrian traffic. Enhanced sidewalks will be provided along the south side of SE 2nd Street and the west side of SE 6th Avenue abutting the project site.

- 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.*

There are existing franchise and public utilities within the subject alley right-of-way. The applicant will coordinate with the franchise utilities to address any facilities existing within this portion of the alley and if any are required to be relocated. The upstream end of the sanitary sewer located in the alley is planned to remain. The existing drainage through the alley (serving the parcel to the west) will be re-routed to retain the service to said parcel, without impact to the City's infrastructure.

Letters of no objection have been requested and received from the franchise utilities and the City's Public Works Department. The utility letters are provided as Exhibit 2.

Applicant's response narratives to the criteria are provided as part of the submittal package, Exhibit 3. Staff concurs with applicant's assessment.

### **Public Participation**

The Right of Way Vacation request is subject to the public participation requirements established in ULDR Sec. 47-27.4. According to the applicant held a public participation meeting on

November 15, 2017 in order to offer the Downtown Fort Lauderdale Civic Association the opportunity to learn about the proposed project.

The public participation meeting background information and affidavits are provided as Exhibit 4.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of 3 signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 5 contains the affidavits and pictures of the posted signs

**STAFF FINDINGS:**

Staff recommends the Board approve this request consistent with:

ULDR Section 7-24.6, Vacation of Right-of-Way; and  
ULDR Section 47-25.2, Adequacy Criteria

**CONDITIONS OF APPROVAL:**

Should the Board 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. Prior to final DRC approval, applicant shall provide a CCTV videotape of the 8" VCP sanitary sewer main to Public Works to verify that no other sewer laterals (other than from the proposed development) are connected to this sewer line. Prior to building permit approval, applicant's engineer shall design a new sanitary sewer manhole to be located at the South end of the vacated alleyway. The new Manhole and portion of the existing 8" VCP located north of the new manhole shall be a private sewer main to be maintained by the applicant. The site plan and applicable civil drawings shall call out the demarcation point for public/private maintenance.
4. 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. This certificate shall state that all conditions of the vacation have been met. A copy of the recorded certificate must be provided to the City;
5. Applicant shall grant an access easement over the vacated alley right-of-way to maintain the existing vehicular connection between SE 2nd Street and Las Olas Boulevard.
6. Should the Planning & Zoning Board approve the application, applicant shall furnish remaining outstanding utility service provider letter prior to placement on a City Commission Agenda.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

As per ULDR Section 47-24.6.3, the Planning and Zoning Board shall consider the application for vacation-of-right-of-way and the record and recommendations forwarded by the DRC, and shall hear public comment on the application.

If the Planning and Zoning Board determines that the application meets the criteria for vacation, the recommendation shall be forwarded to the City Commission for consideration. If the Planning and Zoning Board determines that the criteria for vacation have not been met, the Board shall deny the application and the procedures for appeal to the City Commission as provided in Section 47-26B, Appeals, shall apply.

#### **EXHIBITS**

1. Sketch and Legal Description
2. Utility Provider Letters
3. Applicant's Narratives
4. Public Participation Information
5. Notice Signs and Mailing Affidavits