



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

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

**DATE:** August 21, 2018

**TITLE:** Quasi-Judicial - Ordinance Vacating a Right-of-Way Identified as NE 2<sup>nd</sup>  
Street Located West of North Federal Highway - 195 Federal, LLC. – Case  
No. V18001

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**Recommendation**

It is recommended that the City Commission adopt an ordinance vacating a six-foot wide, approximately 125 foot portion of a 16-foot additional thoroughfare dedicated by plat to the southern right-of-way of NE 2<sup>nd</sup> Street generally located east of NE 3<sup>rd</sup> Avenue and west of North Federal Highway.

**Background**

The applicant, 195 Federal, LLC., requests to vacate a six-foot wide portion of public right-of-way running parallel to NE 2<sup>nd</sup> Street, west of Federal Highway. The right-of-way was dedicated to meet a 66-foot roadway width when the property was platted, which does not reflect the local street cross section in the City's Downtown Master Plan today. In addition, the right-of-way that was dedicated does not extend the full length of the property thereby creating an inconsistent right-of-way edge along the property line. A location map of the proposed vacation is attached as Exhibit 1.

The vacation request was reviewed by the Planning and Zoning Board (PZB) on May 16, 2018 and recommended for approval, subject to conditions as listed herein, by a vote of 7-0. Letters of no objection have been received from all of the franchise utilities as well as the City's Public Works Department. The Applicant's Application, Narratives, and Utility Letters are included as part of Exhibit 2. The PZB Staff Report and Meeting Minutes are attached as Exhibit 3 and 4, respectively.

Pursuant to Section 47-24.6.A.4 of the City's Unified and Land Development Regulations (ULDR), Vacation of Rights-of-Way, the request is subject to the following criteria:

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

The subject portion of the right-of-way is no longer needed for public purpose. The right-of-way was dedicated at the time of platting in 1991 prior to the City adopted the Downtown Master Plan. The Downtown Master Plan contains cross sections for local streets in Downtown, which is less than the width required at the time of platting. Sufficient right-of-way exists today.

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

The right-of-way to be vacated does not adversely impact the surrounding areas as there are existing routes that provide access to the sites immediately adjacent to the area.

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

The right-of-way to be vacated does not compromise the ability for vehicles to move safely in and out of the vicinity nor does it compromise NE 2nd Street.

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

Pedestrian traffic will not be impacted by the right-of-way vacation as there is existing sidewalks provided for along the right-of-way edge and adjacent property.

- 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 no utilities in the portion of the right-of way to be vacated. The applicant has obtained letters of no objection from the franchise utilities and the City's Public Works Department. All providers state they have no objection to the proposed alley vacation. The utility letters are provided as Exhibit 2.

### **Public Participation**

The right-of-way vacation request is subject to the public participation requirements established in ULDR, Section 47-27.4. According to the applicant, a public participation meeting was held on March 14, 2018, to offer the neighborhood surrounding the property the opportunity to learn about the overall proposed project. The public participation meeting summary and affidavit are attached as Exhibit 5.

In addition, this request is subject to sign notification requirements established in ULDR,

Section 47-27.4. The applicant has submitted a sign affidavit indicating proper sign notification was provided.

### **Conditions**

Should the City 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, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department, or, alternatively, in lieu of relocating all city utilities within the vacated area, the applicant shall dedicate a utility easement for city utilities that remain within the vacated area; and
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, or easements granted, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider, or alternatively, in lieu of relocating all other utilities within the vacated area, the applicant shall dedicate a utility easement for utilities that remain within the vacated area; and,
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 have been met. A copy of the recorded certificate must be provided by the applicant to the City.

The ordinance and sketch and legal description are provided as Exhibit 6.

### **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 Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 5: Be a community of strong, beautiful, and healthy neighborhoods.
- Objective 2: Enhance the beauty, aesthetics, and environmental quality of neighborhoods

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

### **Attachments**

Exhibit 1 - Location Map

Exhibit 2 - Applicant's Application, Narratives, and Utility Letters  
Exhibit 3 - PZB Staff Report  
Exhibit 4 - PZB Meeting Minutes  
Exhibit 5 - Public Participation Meeting Summary and Affidavit  
Exhibit 6 - Sketch and Legal Description  
Exhibit 7 - Ordinance

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