CITY OF FORT LAUDERDALE
City Commission Agenda Memo **#19-0138**
REGULAR MEETING

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: March 19, 2019

TITLE: Quasi-Judicial - Ordinance Vacating an Alley Reservation (Right-of-Way) Identified as North of NE 8th Street, South of NE 9th Street, East of NE 5th Avenue, and West of NE 5th Terrace - RWL 8 LLC, 812 NE 5th Avenue, LLC, Boye's Gas Serv, LLC, and Helping Abused Neglected Disadvantaged Youth, Inc. – Case No. V18008

Recommendation

It is recommended that the City Commission adopt an ordinance vacating a 15-foot wide, approximately 225-foot portion of an Alley Reservation (right-of-way) located north of NW 9th Street, east of NW 7th Avenue, west of NW 6th Avenue and south of Sunrise Boulevard.

Background

The applicants, RWL 8, LLC., 812 NE 5th Avenue, LLC., Boyes Gas Serv. LLC., and Helping Abused Neglected Disadvantaged Youth, Inc., request to vacate a 15-foot wide, approximately 250-foot-long portion of a right-of-way established as an alley reservation, located north of NE 8th Street, south of NE 9th Street, east of NE 5th Avenue, and west of NE 5th Terrace. The proposed vacation is associated with the "Modera 555" project (case number R18060), a 24-Story, 350-unit multifamily development, which is located within the Downtown Regional Activity Center. The applicant has submitted a Site Plan Level II Development Review Committee (DRC) application. The DRC reviewed the project on September 11, 2018. The applicant is currently addressing DRC comments in preparation for 30-day City Commission Call-up. 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 January 19, 2019 and recommended for approval, by a vote of 9-0. Letters of no objection have been received from all 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 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 right-of-way segment is currently delineated as a "reservation," and is not a distinct roadway used by vehicles or pedestrians. Proposed improvements on the adjacent lots, which include a multi-story residential use building, will utilize the alley reservation area, which prompts the applicant's vacation request to allow for effective redevelopment of the site. Granting the vacation will not affect or impede public access and the reservation is not needed for public purpose.

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

   The right-of way reservation proposed to be vacated does not adversely impact the surrounding area as there are existing routes that provide access to the properties immediately adjacent to the area. The Applicant and the Modera 555 project propose to provide sidewalks along all adjacent right-of-ways allowing for safe pedestrian connections with minimal vehicular conflicts.

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

   The closure of the alley reservation and proposed site improvements will provide a safe environment for vehicles to maneuver throughout the site.

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 are existing sidewalks provided along the right-of-way edge and adjacent property. The existing pedestrian circulation will not be affected.

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*.

   The applicant has obtained letters of no objection from impacted franchise utilities and the City's Public Works Department. The franchise utility

company letters state that no utilities exist within the alley reservation. 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 Section 47-27.4 of the ULDR. According to the applicant, a public participation meeting was held on August 15, 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 Section 47-27.4 of the ULDR. 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 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 - 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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