



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

**#19-0272**

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

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** April 2, 2019

**TITLE:** Quasi-Judicial Resolution to Approve the Vacation of a Utility Easement  
Located at 333 East Sunrise Boulevard - Town Development Co. - Case  
No. E18018

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**Recommendation**

It is recommended that the City Commission approve a resolution vacating a 15-foot wide, 249-foot long utility easement located at 333 East Sunrise Boulevard.

**Background**

The applicant seeks to vacate a 15-foot wide and 249-foot long utility easement, which runs north to south bisecting the subject property. The request for the utility easement vacation is associated with the construction of a proposed Cumberland Farms gas station and convenience store (Case No. R17066). The Cumberland Farms site plan application was reviewed and approved by the Planning and Zoning Board on January 16, 2019, contingent on the vacation of the utility easement. An associated rezoning application will be reviewed by the City Commission on April 02, 2019.

The City's Development Review Committee (DRC) reviewed the easement vacation application on November 13, 2018. All comments have been addressed and are available on file with the Department of Sustainable Development. The application, applicant's narrative responses to vacation of easement criteria, and supportive documentation are attached as Exhibit 1. The sketch and legal description is provided as Exhibit 2.

The City Commission shall consider the application, the record, staff recommendation, and public comment on the application when determining whether the application meets the criteria for vacation.

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-24.7.A.4, Vacation of Easement, the request is subject to the following criteria:

- a. *The easement is no longer needed for public purposes;*

The easement area is no longer needed for public purpose. The portion of the easement area being vacated is completely located on the subject property. The applicant has received a letter of no objection from the City of Fort Lauderdale Utilities Division, which states the utility easement area being vacated has no known City water, sewer, or stormwater facilities located within the 15-foot utility easement.

- b. *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;*

The applicant has received letters of no objection from all applicable franchise utilities and has provided a site plan which indicates the removal of the two existing utility poles and overhead lines. The franchise utility letters of no objection and site plan are included within Exhibit 1.

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, 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.

### **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 7: 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.
- Initiative 4: Incorporate Business F1rst feedback into City business development efforts.

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

**Attachments**

Exhibit 1 – Application, Applicant’s Narrative Responses and Supportive Documentation

Exhibit 2 – Sketch and Legal Description

Exhibit 3 – Resolution

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