



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

#19-0463

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: June 18, 2019

TITLE: Motion to Deny the Execution of an Encroachment Agreement between Joshua F. Grabel and Lacey Grabel, Husband and Wife, and the City of Fort Lauderdale for the Maintenance of Privately- Owned Improvements in the SE 10th Street Right-of-Way, Adjacent to the Single-Family Residence Located at 705 SE 10th Street in the Rio Vista Neighborhood
(Commission District 4)

Recommendation

It is recommended that the City Commission approve a motion to deny execution of an Encroachment Agreement between Joshua F. Grabel and Lacey Grabel, husband and wife, and the City of Fort Lauderdale, for the maintenance of privately-owned improvements in the SE 10th Street right-of-way located at 705 SE 10th Street in the Rio Vista neighborhood.

Background

Mr. and Mrs. Grabel own the subject property that is directly on a cul-de-sac at the west end of SE 10th street (location map attached as Exhibit 1). With all good intentions they constructed improvements to alleviate an ongoing localized ponding issue due to the cul-de-sac grades. The built-up front yard extends approximately 17 feet beyond the property line and includes fill material retained by a one-and-a-half-foot high masonry wall, trees, landscaping, artificial turf, decorative rocks, steps and a small drainage system (pictures attached as Exhibit 2 and survey sketch attached as Exhibit 3). The sidewalk was removed during construction.

The City became aware of the sidewalk removal and encroachment in January 2018 and issued a Code Violation in March 2018. At this time the owners are requesting approval of the Encroachment Agreement to keep the improvements in the right-of-way.

City staff have conducted an initial visual assessment of the improvements for compliance with safety, traffic circulation, utility conflicts and drainage criteria; their findings are provided in the table below.

Criteria	Comment	Conclusions
Pedestrian Safety	Should not be an issue due to low traffic volume and speed	No significant impact
Pedestrian Circulation	Sidewalk has been removed along the property frontage. No sidewalk exists in front of adjacent neighbors in the cul-de-sac; While departmental staff opinions varied on this subject, Engineering staff believes the asphalt road surface provides adequate pedestrian connectivity between sidewalks on the north and south side of the cul-de-sac. This area is not on a school route nor is there a high volume of pedestrian traffic.	No significant impact
Vehicular Safety	The built-up yard and wall technically do not meet the minimum required six-foot safety setback from the road; however, due to low traffic volume and low speed the wall location should not present a safety concern.	No significant impact
Vehicular Circulation	Lanes are not obstructed by the improvements.	No significant impact
Sight Distance	The improvements do not obstruct sight distances.	No significant impact
City Utility Conflicts	The wall and shrubs would be in direct conflict with any excavation and restoration by City crews for the repair or replacement of the water service. Sanitary Sewer is not affected by improvements.	Affects City Utility Operation and Maintenance
Private Utility Conflicts	There are overhead electrical and communication lines on the south side of SE 10 th Street. The encroachment would not obstruct maintenance and operation for those utilities.	No significant impact
Drainage	Based on a site visit after a rain event on 5/2/19, staff confirmed that the local topography would result in minor ponding and that the primary contribution is from adjacent private properties that have been redeveloped. Based on the available information, it is difficult to confirm if there would be any benefit to the roadway drainage from the encroachment. Alternative solutions such as reinstatement of a 10-foot grass swale and creation of on-site pervious area may be more effective and more maintainable.	Drainage benefit is questionable Alternatives to encroachment may be considered
Drainage (Continued)	This subdivision does not have a continuous stormwater piping system and was originally designed to manage stormwater runoff through on-site pervious	

	area and ten-foot wide swales in the rights-of-way. The impervious areas tend to decrease as properties are re-developed over time, therefore the preservation and maintenance of swales is crucial for the environment and to reduce the reliance on costly drainage systems. Staff has observed that almost all of the properties in this area have functioning grass swales and that the subject property and neighbor to the east have paved/impervious swales.	
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This item is being brought before the City Commission both as an individual case and as a policy matter since approving such encroachments over time could set a precedent and cumulatively affect the City's ability to preserve the rights-of-way for the greater public welfare. Should the request for the encroachment agreement be denied, City staff would work with the owners to identify alternative drainage solutions to alleviate the local ponding.

Resource Impact

There is no fiscal impact to the City associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan* initiative, included within the Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 2: Be a sustainable and resilient community
- Objective 2: Reduce flooding and adapt to sea level rise
- Initiative 6: Examine and update the Save Our Swales Program to include bio swale options

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan*: We are ready

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Pictures

Exhibit 3 - Survey Sketch

Exhibit 4 - Encroachment Agreement

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