



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

**#19-0722**

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

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

**DATE:** August 20, 2019

**TITLE:** Quasi-Judicial - Ordinance Vacating a Right-of-Way Identified as NW 6<sup>th</sup> Street Located East of NW 14<sup>th</sup> Terrace – City of Fort Lauderdale - Case No. V19004 - **(Commission District 3)**

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**Recommendation**

It is recommended that the City Commission consider an ordinance vacating a five-foot wide, approximately 100-foot long portion of NW 6<sup>th</sup> Street (right-of-way) located North of NW 6<sup>th</sup> Street, South of NW 7<sup>th</sup> Street, East of NW 14<sup>th</sup> Terrace and West of NW 14<sup>th</sup> Avenue.

**Background**

The leaseholder, YMCA of South Florida, Inc., under the authorization of the applicant, the City of Fort Lauderdale, requests to vacate a five-foot wide, approximately 100-foot-long portion of a right-of-way, located North of NW 6<sup>th</sup> Street, South of NW 7<sup>th</sup> Street, East of NW 14<sup>th</sup> Terrace and West of NW 14<sup>th</sup> Avenue. The portion of subject right-of-way was dedicated on December 19, 2000 for the construction of a bus shelter as part of the Sistrunk Boulevard corridor improvement project; however, the existing bus shelter was placed farther east outside of the dedicated right-of-way on City-owned property. The proposed vacation is associated with the “LA Lee YMCA Mizell Community Center” project (case number R19004), a four-story, community recreation facility and supporting retail space that is also scheduled on this agenda (CAM 19-0716). The DRC reviewed the vacation request on May 14, 2019 and the applicant has since addressed all DRC comments. 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 June 19, 2019 and recommended for approval, by a vote of 8-0. 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, 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 for the purpose of accommodating a future bus shelter that was never installed at this location and is proposed to be installed just to the east of proposed vacation. The Northwest Regional Activity Center Illustrations of Design Standards contains a cross section for Sistrunk Boulevard, which is less than the current width, and therefore, 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 impact existing NW 6<sup>th</sup> Street right-of-way.

- 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 and proposed sidewalks provided along the right-of way and adjacent property. In addition, the current right-of-way does not extend the full length of the block thereby creating an inconsistent right-of-way edge along the property line.

- 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. 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 Unified Land Development Regulations. According to the applicant, a public participation meeting was held on April 15, 2019 and April 27, 2019 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 Unified Land Development Regulations. 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 1: Be a pedestrian friendly, multi-modal City.

- Objective 2: Integrate transportation land use and planning to create a walkable and bikeable community.
  - Initiative 3: Develop a citywide comprehensive public/private sidewalk polity and plan to improve sidewalks and connections.

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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