



REQUEST: Vacation of Right-of-Way

Case Number	V19004
Applicant	City of Fort Lauderdale
General Location	Portion of East/West Right-of-Way parallel to NW 6 th Street, located east of NW 14 th Terrace, and north of NW 6 th Street
Property Size	500 square feet (.01 acres)
Zoning District	Park (P) and Residential Single Family and Cluster / Medium Density (RC-15)
Existing Use	Public Right-of-Way
Future Land Use Designation	Northwest Regional Activity Center (NW-RAC)
Applicable Unified Land Development Regulations (ULDR) Sections	Section 47-24.6, Vacation of Right-of-Way Section 47-25.2, Adequacy Requirements
Notification Requirements	Section 47-27.6, Sign Posting 15 days prior to meeting Section 47-27.6, Mail Notice 10 days prior to meeting Section 47-27.4, Public Participation
Action Required	Recommend Approval of Vacation to City Commission, or Deny
Project Planner	Nicholas Kalargyros, Urban Planner II NJK EL

PROJECT DESCRIPTION:

The applicant, City of Fort Lauderdale, requests to vacate a five-foot wide portion of public right-of-way running parallel to NW 6th Street, also known as Sistrunk Boulevard, east of NW 14th Terrace and north of NW 6th Street. The portion of subject right-of-way was dedicated on December 19, 2000 for the construction of a bus shelter as part 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. A sketch and legal description of the proposed vacation is attached as **Exhibit 1**. An associated site plan for a community recreation facility and supporting retail space proposed at 1409 NW 6th Street (Case R19004) is also scheduled on this agenda.

PRIOR REVIEWS:

The request was reviewed by the Development Review Committee (DRC) on May 14, 2019. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD).

REVIEW CRITERIA:

The following Unified Land Development Regulations (ULDR) criteria apply to the proposed request:

- Section 47-24.6, Vacation of Right-of-Way
- Section 47-25.2, Adequacy Requirements

Vacation of Rights-of-Way:

As per ULDR Section 47-24.6.A.4., 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;

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 6th 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**.

Adequacy Requirements:

The adequacy requirement criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed vacation. The proposed vacation has no impact on city infrastructure or services. The associated development project (Case R19004), which is evaluated separately, contains existing connections to the roadway network via NW 6th Street and NW 14th Terrace.

The applicant has provided narrative responses regarding the project's compliance with ULDR Section 47-24.6.A.4., Vacation of Right-of-Way and Section 47-25.2, Adequacy Requirements, attached as **Exhibit 3**, to assist the Board in determining if the application meets the criteria.

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, two public participation meetings were held on April 15, 2019 and April 22, 2019 to offer the neighborhood surrounding the proposed vacation

the opportunity to learn about the proposed right-of-way vacation along with the overall project. The public participation meeting summary and affidavit are attached as **Exhibit 4**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed three signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. **Exhibit 5** contains the affidavit and pictures of the posted signs.

CONDITIONS OF APPROVAL:

Should the Board 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;
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; 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 to the City.

PLANNING & ZONING BOARD REVIEW OPTIONS:

As per ULDR Section 47-24.6.3, the Planning and Zoning Board shall consider the application for vacation of right-of-way and the record and recommendations forwarded by the Development Review Committee, and shall hear public comment on the application.

If the Planning and Zoning Board determines that the application meets the criteria for vacation, the recommendation shall be forwarded to the City Commission for consideration. If the Planning and Zoning Board determines that the criteria for vacation have not been met, the Board shall deny the application and the procedures for appeal to the City Commission as provided in Section 47-26B, Appeals, shall apply.

EXHIBITS:

1. Sketch and Legal
2. Utility Provider Letters
3. Project Narratives
4. Public Participation Meeting Summary and Affidavit
5. Public Notice Signs and Sign Affidavit