



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

**#19-0989**

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

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

**DATE:** December 17, 2019

**TITLE:** Quasi-Judicial Ordinance Vacating Right-of-Way Identified as NE 5th Terrace Located Between and Perpendicular to NE 6th Street and NE 7th Street – Flagler Sixth, LLC. – 627 North Federal Highway – 627 N Federal - Case No. V19005 - **(Commission District 2)**

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**Recommendation**

It is recommended the City Commission consider an ordinance vacating a 40-foot-wide, approximately 300-foot-long portion of NE 5th Terrace (right-of-way) located between and perpendicular to NE 6th Street and north of NE 7th Street.

**Background**

The applicant, Flagler Sixth, LLC, requests a vacation of a 40-foot-wide, approximately 300-foot-long portion of a north/south right-of-way identified as NE 5th Terrace located between and perpendicular to NE 6th Street and NE 7th Street. The associated development application for the “627 N Federal” commercial development is currently under review (Case No. R19037). The proposed development consists of a six-story 444,656 square-foot commercial building, located at 627 North Federal Highway. The request was reviewed by the Development Review Committee (DRC) on June 11, 2019. All comments have been addressed and are available on file with the Department of Sustainable Development.

The sketch and legal description of the proposed vacation is attached as Exhibit 1. The Applicant’s Application, Narratives, and Utility Letters are attached as Exhibit 2. The vacation request was reviewed by the Planning and Zoning Board (PZB) on September 18, 2019 and recommended for approval by a vote 8-0. The PZB Staff Report and Minutes are attached as Exhibit 3 and Exhibit 4, respectively.

**Review Criteria**

As per the Unified Land Development Regulations (ULDR), Section 47-24.6.A.4., Vacation of Right-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;*

This portion of NE 5th Terrace abuts the applicant’s property on both the east and west sides of the right-of-way. As part of the vacation and site plan process the

applicant will provide a new access drive, which will be located approximately nine feet west of the current right-of-way location to allow for vehicular access and utility easements. The Downtown Master Plan encourages the re-platting of the constrained and under-developed blocks along the west side of Federal Highway between NE 4th Street and NE 9th Street to increase the depth and development potential.

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

It is not anticipated that the vacation of the right-of-way will cause adverse impacts to the circulation of the surrounding areas. In addition to the relocation of the north/south access drive, a new mid-block crossing will be provided to allow east/west vehicular and pedestrian access through the site. The applicant will provide a 22-foot-wide access and utility easement for public access.

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

The right-of way vacation will not impose any adverse effects to the current flow of traffic in the area. The current flow of traffic will be shifted to the west by 9 feet and will allow for ingress/egress to NE 6th Street and NE 7th Street.

- 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. The proposed project will provide significant pedestrian improvements along the perimeter of the development project.

- 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 affiliated franchise utilities and the City's Public Works Department. The utility letters along with the applicant's narratives are provided as Exhibit 2.

### **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, the public participation meeting was held on August 14, 2019 to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the proposed right-of-way vacation and associated development 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 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. The affidavit and photographs of the posted signs are included as part of Exhibit 5.

### **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, 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; 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.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *Fiscal Year 2020 Commission Annual Action Plan* priority, included within the Management Agenda, advancing the Business Development initiative.

This item supports the Press Play Fort Lauderdale 2024 Strategic Plan, specifically advancing:

- The Infrastructure Focus Area
- Goal 2: Build a multi-modal and pedestrian friendly community.
- Objective: Improve roads, sidewalks, and trails to prioritize a safer, more walkable and bikeable community.

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

### **Attachments**

Exhibit 1 - Sketch and Legal Description

Exhibit 2 - Applicant's Application, Narratives, and Utility Letters

Exhibit 3 - Planning and Zoning Board Staff Report from September 18, 2019

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Exhibit 4 - Planning and Zoning Board Meeting Minutes from September 18, 2019  
Exhibit 5 - Public Participation, Mail Notice and Sign Notification  
Exhibit 6 - Ordinance

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