



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

#20-0031

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: March 3, 2020

TITLE: Quasi-Judicial Ordinance Vacating a Right-of-Way Identified as 508 SE 32nd Court and Retaining a Portion for an Utility Easement - Briland Properties, Inc. - Case No. V19001 - **(Commission District 4)**

Recommendation

It is recommended the City Commission consider an ordinance vacating a 25-foot wide by 247-foot long portion of right-of-way located between and perpendicular to SE 32nd Court and north of SE 33rd Street and retaining a 15-foot wide by 247-foot long utility easement.

Background

The applicant, Briland Properties, Inc, requests a vacation of a 25-foot wide, 247-foot long portion of a north/south right-of-way generally located at 508 SE 32nd Court, between and perpendicular to SE 32nd Court and SE 33rd Street. The request was reviewed by the Development Review Committee (DRC) on March 26, 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 as well as an easement dedication are attached as Exhibit 1. The application, applicant's narratives, and utility provider 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;*

The subject portion of the right-of-way is no longer needed for public purpose. The right-of-way was dedicated as part of the Dixie Cut-Off Section Croissant Park Plat for the purpose of public right-of-way. The applicant owns the lot to the west of the proposed vacation and there is existing development to the east. The

portion of right-of-way proposed to be vacated is unimproved and properties directly adjacent to it have alternate direct access to public roads.

- 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 area as existing routes are not compromised by the proposed vacation.

- 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. Safe and adequate area will be provided for turn around through a cul-de-sac on the northern end and a T-turn around on the southern end as depicted in Exhibit 2, Sheet IX Titled "Area of Improvements Exhibit.

- 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 no pedestrian facilities in the surrounding area.

- 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.*

The City's Public Works Department reviewed the application and requested the dedication of a 15-foot utility easement for a 12-inch water main that will remain within the subject portion of right-of-way proposed to be vacated. The applicant agreed to the easement dedication and has obtained letters of no objection from applicable franchise utility providers and the City's Public Works Department. The utility letters are provided as part of Exhibit 2.

Notice Requirements

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 July 15, 2019 to offer the neighborhood surrounding the proposed vacation an opportunity to learn about the proposed right-of-way vacation. The public participation meeting summary and affidavit are attached as Exhibit 5.

In addition, this request is subject to mail notice requirements established in ULDR Section 47-27.6.A..1. The notice letter is also included as part of Exhibit 5.

Furthermore, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed two 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. The applicant shall construct a cul-de-sac at the northern end of the proposed vacation and a T-turn around at the southern end as shown on plans as part of Exhibit 2 prior to releasing the right-of-way to the applicant;
2. Relocate fire hydrant onto private property and provide an easement as shown on the plans as part of the easement Exhibit 2 prior to releasing the right-of-way to the applicant;
3. 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, or a 15-foot-wide easement shall be granted and accepted by the City's Public Works Department prior to releasing the right-of-way to the applicant;
4. 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 prior to releasing the right-of-way to the applicant; and,
5. 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.

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 of Proposed Right of Way Vacation and Easement Dedication
 - Exhibit 2 - Application, Applicant's Narratives, and Utility Provider Letters
 - Exhibit 3 - September 18, 2019 Planning and Zoning Board Staff Report
 - Exhibit 4 - September 18, 2019 Planning and Zoning Board Meeting Minutes
 - Exhibit 5 - Applicant's Public Participation Meeting Summary, Mail Notice and Sign Notification
 - Exhibit 6 - Aerial Map
 - Exhibit 7 - Ordinance
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