



REQUEST: Vacation of Right-of-Way

Case Number	V19001
Applicant	Briland Properties, Incorporated
General Location	North/South Right-of Way between SE 32 nd Court and SE 33 rd Street
Property Size	6,438 square feet (0.14 acres)
Zoning District	Heavy Commercial/Light Industrial Business (B-3)
Existing Use	Public Right-of-Way
Future Land Use Designation	Commercial
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

PROJECT DESCRIPTION:

The applicant, Briland Properties, Incorporated, requests to vacate a 25-foot wide, approximately 247-foot-long portion of public right-of-way running north/south between to SE 32nd Court and SE 33rd Street. The portion of subject right-of-way was dedicated by plat and has been deemed unnecessary given the development of the area subsequent to plat recordation. The application, written narratives, plans and sketch and legal description of the proposed vacation is attached as **Exhibit 1**.

PRIOR REVIEWS:

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 (DSD).

REVIEW CRITERIA:

The following criteria apply to the proposed request:

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

Vacation of Rights-of-Way:

Pursuant to the 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 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 and there is

existing development to the east. Both sites have direct access to public roads and therefore, the unimproved right-of-way is no longer needed.

- 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 existing routes are not compromised by the request. The request does not require an alternative route as there is direct access to properties in the vicinity.

- 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.

- 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. The applicant has stated that additional easements for pedestrians will be made as applicable.

- 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 City facilities located within the right-of-way. The City of Fort Lauderdale has no objection to the proposed vacation of the 25-foot right-of-way provided that the vacation is conditioned upon the dedication of a 15-foot utility easement for a 12-inch water main that will remain. The minimum utility easement the City may accept is 15 feet and the applicant has agreed to dedicate a 15-foot utility easement for the existing 12-inch water main. 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. With a 15-foot utility easement in place, the proposed vacation will have no impact on City infrastructure or services. The proposed vacation is on un-improved land, has been vacant for an extended period of time and there are adequate connections utilizing the existing right-of way.

The applicant has provided narrative responses regarding the application'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 1**, 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, a public participation meeting was held on

July 15, 2019 to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the proposed right-of-way vacation. The public participation meeting summary and affidavit are attached as **Exhibit 3**.

In addition, 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. **Exhibit 4** contains the affidavit and pictures of the posted signs.

CONDITIONS OF APPROVAL:

Should the Board 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.
2. Relocate fire hydrant onto private property and provide an easement.
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;
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:

Pursuant to the 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. Application, Narratives, Plans and Sketch and Legal Description
2. Utility Provider Letters
3. Public Participation Meeting Summary and Affidavit
4. Public Notice Signs and Sign Affidavit