



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

#21-0376

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: May 4, 2021

TITLE: First Reading - Quasi-Judicial Ordinance Vacating a 10-Foot Wide by 75-Foot Long Right-of-Way between SE 10th Terrace and SE 9th Avenue – 800 Las Olas, LLC & Mustang Properties, Inc. – Case No. PLN-VAC-20080001 – **(Commission District 4)**

Recommendation

Staff recommends the City Commission consider an ordinance vacating a 10-foot wide by 75-foot long right-of-way located between SE 10th Terrace and SE 9th Avenue.

Background

The applicant, 800 Las Olas, LLC & Mustang Properties, Inc., requests to vacate a 10-foot wide by 75-foot long portion of a right-of-way, established as an alley, located south of SE 2nd Court, north of East Las Olas Boulevard, west of SE 10th Terrace and east of SE 9th Avenue. An aerial location map, the sketch and legal descriptions for the proposed vacation are attached as Exhibit 1 and Exhibit 2 respectively. The application, applicant's narrative responses, and utility letters are attached as Exhibit 3.

The vacation request was reviewed by the Development Review Committee (DRC) on September 8, 2020. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD). The item was reviewed by the Planning and Zoning Board (PZB) on February 17, 2021 and was recommended for approval by a vote of 8-0 subject to conditions as contained in the PZB Staff Report and restated herein. This recommendation for approval included the acceptance of a modified site plan with adjustment to the alleyway configuration and direction of traffic presented to the PZB. The February 17, 2021, PZB Staff Report and Meeting Minutes are attached as Exhibit 4 and Exhibit 5, respectively.

Review Criteria

Pursuant to 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 right-of-way will still provide public access for thru traffic and will provide a permanent public access easement. The public will be able to access the alley from both NE 9th Avenue and NE 10th Terrace.

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

The vacation of the right-of-way will not require alternate routes as access will be provided through the redevelopment of the "1007 East Las Olas Boulevard" project and there are alternative access points provided through East Las Olas Boulevard, SE 10th Terrace, and SE 2nd Court.

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

The vacation of the right-of-way alley will not completely close access to the alley for thru traffic and will provide a permanent public access easement for the portion of the alley to be vacated.

- 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 extensive sidewalks proposed along the perimeter of the new redevelopment project which will provide enhanced pedestrian movement in and around the project and adjacent 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 applicant has obtained letters of no objection from impacted franchise utilities and the City's Public Works Department. The franchise utility company letters state that some utilities exist within the alley and the applicant will be responsible for relocation. The utility letters are provided as Exhibit 3.

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, a public participation meeting was held on November 23, 2020, to offer the neighborhood surrounding the proposed vacation the opportunity to learn about the overall proposed project.

In addition, this request is subject to mail notice requirements established in ULDR Section 47-27.6.A.1 for the PZB meeting.

Furthermore, this request is subject to sign notification requirements established in ULDR Section 47-27.4 for the PZB meeting. The applicant installed three signs on the property and submitted a sign affidavit indicating proper sign notification was provided.

For more information, please see the Public Participation Meeting Summary, Mail Notice and Sign Notification attached as Exhibit 6.

Conditions

Should the City Commission approve the proposed vacation, the following conditions apply:

1. Per the City's Engineering Reviewer, applicant shall grant a public access easement over the vacated alley right-of-way to maintain the existing pedestrian and vehicular connection between SE 9th Avenue and SE 10th Terrace.
2. Per the City's Engineering Reviewer, applicant shall provide a CCTV videotape of the existing sanitary sewer system beginning at the manhole located at the intersection of SE 10th Terrace to verify all existing services that will need to be reconnected to the new sanitary sewer system.
3. Per the City's Engineering Reviewer, applicant shall design, permit, and construct a new public sanitary sewer manhole to be located west of the western end of the vacated alleyway. The portion of the existing 8" sewer main located east of the new manhole shall be removed.
4. Per the City's Engineering Reviewer, applicant shall design, permit, and construct a new public sanitary sewer system. The new system shall connect proposed development and reconnect all existing service along the remaining portion of the Alley east of SE 10th Terrace between E las Olas and SE 2nd Court. The point of connection shall be at the existing public sanitary sewer manhole on SE 10th Terrace north of SE 2nd Court identified as SSMH-5367.
5. Per the City's Engineering Reviewer, 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.
6. Per the City's Engineering Reviewer, 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.
7. 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. This 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 Top 2021 Commission Priority, advancing the Infrastructure 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

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Create a responsive and proactive business climate to attract emerging industries

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

Related CAM

CAM #21-0281

Attachments

Exhibit 1 – Aerial Location Map

Exhibit 2 – Sketch and Legal

Exhibit 3 – Application, Applicant’s Narratives, and Utility Letters

Exhibit 4 – February 17, 2021, PZB Staff Report

Exhibit 5 – February 17, 2021, PZB Meeting Minutes

Exhibit 6 – Public Participation Meeting Summary, Mail Notice and Sign Notification

Exhibit 7 – Ordinance

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