



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0605

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: June 15, 2021

TITLE: Second Reading - Quasi-Judicial Ordinance Vacating Right-of-Way
Identified as a 50-Foot Wide by 209-Foot-Long Roadway between Broward
Boulevard and SW 1st Street known as SW 15th Terrace - Len & Melody
Renne and Christian Garay - Case No. PLN-VAC-20060001 -
(Commission District 2)

Recommendation

Staff recommends the City Commission consider an ordinance vacating a 50-foot wide by 209-foot-long right-of-way located between Broward Boulevard and SW 1st Street known as SW 15th Terrace.

Background

The applicants, Len and Melody Renne and Christian Garay, request to vacate a 50-foot wide by 209-foot-long portion of public right-of-way known as SW 15th Terrace located south of W. Broward Boulevard and north of SW 1st Street. The proposed vacation is associated with a proposed redevelopment of the site located at 1490-1500 W. Broward Boulevard. An aerial location map and the sketch and legal descriptions for the proposed vacation are attached as Exhibits 1 and Exhibit 2 respectively.

The vacation request was reviewed by the Development Review Committee (DRC) on July 14, 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. The February 17, 2021, PZB Staff Report and Meeting minutes are attached as Exhibit 4 and Exhibit 5, respectively.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Department and the Planning and Zoning Board. Additionally, the City Commission shall hear public comment on the application and determine whether the request meets the criteria for the vacation. These two criteria were already completed.

Review Criteria:

The following Unified Land Development Regulations (ULDR) criteria apply:

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

Vacation of Rights-of-Way:

As per 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 portion of the right-of-way to be vacated has not been accessible for many years. The closure does not allow for vehicular or pedestrian access to the neighborhood.

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

The portion of the subject right-of-way results in a dead-end and is not used for vehicular traffic.

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

If the right-of-way is vacated, vehicles will continue to travel south on SW 14th Avenue and turn west on SW 1st Street to circulate the area as is currently done today.

- d. The closure of a right-of-way shall not adversely impact pedestrian traffic.

Pedestrian traffic will not be affected by the vacation of the right-of-way. Sidewalks do not currently exist in the area proposed to be vacated, and the right-of-way is not currently used for pedestrian through-travel.

- 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;

Applicant has obtained letters of no objection from applicable franchise utilities and the City's Public Works Department. Applicant will relocate all utilities to the satisfaction of the respective utility owners or will grant an easement over the existing right-of-way for the utilities that will remain. The utility easement is required by the City's Public Works Department and is a condition of approval. The utility letters along with the applicant's narrative responses are provided as Exhibit 3.

Should the 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 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.
4. Prior to issuance of Final C.O., applicant shall dedicate a fifteen (15) foot utility easement along the existing water and sanitary sewer mains within the boundaries of the proposed right-of-way vacation to facilitate City maintenance access as approved by the City Engineer. The fifteen (15) foot utility easement shall also extend along any domestic water service line to including existing or proposed water meter.
5. Prior to issuance of Certificate of Occupancy, applicant shall record utility easements for any existing franchise utilities to remain along the proposed right-of-way vacation boundaries. Applicant to coordinate with franchise utilities on requirements.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a 2021 Commission Priority, advancing the Smart Growth initiative.

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

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Nurture and support existing local businesses

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

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Sketch and Legal Description for the Proposed Vacation

Exhibit 3 - Application, Applicant's Narratives, and Utility Letters
Exhibit 4 - February 17, 2021, Planning and Zoning Board Staff Report
Exhibit 5 - February 17, 2021, Planning and Zoning Board Meeting Minutes
Exhibit 6 - Ordinance

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