



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

**#21-0645**

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

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

**DATE:** July 6, 2021

**TITLE:** Quasi-Judicial Resolution Vacating a Portion of an Open Space Easement  
Located at SW 1<sup>st</sup> Avenue Between Las Olas Boulevard and the New River  
– Las Olas Riverfront, LP – Case No. UDP-EV21003 – **(Commission  
District 4)**

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**Recommendation**

Staff recommends the City Commission considers a resolution vacating a portion of an open space easement located at SW 1<sup>st</sup> Avenue between Las Olas Boulevard and the New River. The request satisfies the provisions of the City's Unified Land Development Regulations (ULDR), Section 47-24.7, Vacation of Easement.

**Background**

The applicant, Las Olas Riverfront, LP, requests to vacate a portion of an approximately 68-foot wide by 179-foot-long open space easement generally located south of Las Olas Boulevard, north of the New River between Andrews Avenue and the Florida East Coast railroad tracks. The portion to be vacated is approximately 22-foot wide leaving approximately 47 feet in width. The overall length would remain the same. A location map is attached as Exhibit 1.

The City Commission approved Ordinance C-83-17 on March 1, 1983, which vacated a portion of SW 1<sup>st</sup> Avenue, but retained a pedestrian easement for access to the New River. Subsequently, the City Commission approved Resolution 98-52 which vacated the pedestrian easement with a condition that the property owner grant an open space easement, which was associated with the Las Olas Riverfront development at the time.

The City's Development Review Committee (DRC) reviewed the easement vacation application on June 22, 2021. All comments have been addressed and are available on file with the Department of Sustainable Development. The Applicant's Application, Narratives, and Utility Letters are attached as Exhibit 2. The sketch and legal description of the proposed vacation is attached as Exhibit 3.

The City Commission shall consider the application, the record, staff recommendation, and public comment on the application when determining whether the application meets the criteria for vacation.

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-24.7.A.4, Vacation of Easement, the request is subject to the following criteria:

- a. *The easement is no longer needed for public purposes;*

The full width of the open space easement area is no longer needed given the redevelopment of the Las Olas Riverfront with new development being setback farther from the western edge of the open space easement, which creates a wider area for open space. In addition, the Las Olas Riverfront contained covered walkways that transverse the open space easement which impacted the overall experience of the area by blocking light and air. The new development removed these walkways and created an open-aired plaza area larger than the width of the open space easement. Therefore, the overall public access is not impacted by the request to vacate 22-foot wide portion.

- b. *All utilities located within the easement 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 portion of the easement area is maintained; or an easement in a different location has been provided by the utility facilities by the owner to the satisfaction of the city; or any combination of same;*

The open space easement does not contain any utilities and the applicant has received letters of no objection from certain franchise utilities. The received letters of no objection are included within Exhibit 2.

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

1. Utility letters from FPL and Comcast shall be provided prior to final execution of the vacation.
2. Any City infrastructure known or unknown and found to be within the vacated area shall be relocated at the expense of the applicant, and easements will be dedicated, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department.
3. 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 easements will be dedicated, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider.

### **Resource Impact**

There is no fiscal impact associated with this action.

### **Strategic Connections**

This item is a *2021 Top Commission Priority*, advancing the Public Places initiative.

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

- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community.
- Objective: Improve access to and enjoyment of our beaches, waterways, parks, and open spaces for everyone

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

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan*, specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Urban Design Element
- Goal 2: Encourage urban design which responds to the climate and character of Fort Lauderdale, is pedestrian friendly, human-scaled and contains the infrastructure and amenities to create a vibrant public realm.

### **Attachments**

Exhibit 1 – Location Map

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

Exhibit 3 – Sketch and Legal Description

Exhibit 4 – Resolution

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Prepared by: Jim Hetzel, Principal Urban Planner, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development