



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

#21-0532

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: August 17, 2021

TITLE: Quasi-Judicial Resolution Vacating a Portion of a Utility Easement Located
at 317 N. Federal Highway Between NE 3rd Street and NE 4th Street – 616
SE 4th Avenue, LLC. – Case No. UDP-EV21001– (**Commission District 2**)

Recommendation

Staff recommends the City Commission consider a resolution vacating a portion of a utility easement located at N. Federal Highway between NE 3rd Street and NE 4th Street.

Background

The applicant, 616 SE 4th Avenue, LLC, requests to vacate a portion of a 10-foot wide by 10-foot-long utility easement generally located south of NE 3rd Street, north of NE 4th Street between North Federal Highway and NE 3rd Avenue. The portion to be vacated is approximately 75 Square Feet. The associated site plan level II development application consists of 716 multi-family residential units and 8,540 square feet of retail in the Regional Activity Center-City Center (RAC-CC) zoning district and the Downtown Core Area (Case #UDP-S21003). A location map is attached as Exhibit 1.

The City's Development Review Committee (DRC) reviewed the easement vacation application on April 13, 2021. All comments have been addressed and are available on file with the Department of Sustainable Development. The 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., Vacation of Easement, the City Commission is to consider the application and the record and recommendations forwarded by the DRC and shall hear public comment on the application and determine whether the application meets the following criteria for vacation of an easement:

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

This utility easement was retained and dedicated by Ordinance No. C-82-3 recorded in Book 10006 Page 447 and Book 10124 Page 444 of the Public Records of Broward County, Florida. The ordinance was recorded twice because the first recording was illegible. The ordinance vacated, abandoned, and closed a larger 10-foot-wide east-west alley while retaining a 10-foot-long by 10-foot-wide portion as a utility easement. The project site is proposed to be completely redeveloped and a utility easement is no longer needed. Currently, a portion of the easement is underneath the existing Sherman Williams building and there is no indication that utilities are present within the easement. Copy of Ordinance No. C-82-3 is attached as Exhibit 4.

- 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 applicant has obtained letters of no objection from the providers who have rights to place utilities in the easement: City of Fort Lauderdale Public Works, AT&T, Comcast, FP&L, and TECO. The applicant commits to satisfying any reasonable conditions requested by the utility providers to the easement vacation.

Should the City Commission determine that the proposed development or use meets the criteria for vacation of easement, the City Commission shall approve the vacation subject to the following criteria 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 easements will be dedicated at the new location, and the relocated facilities shall be required to be inspected 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, and easements will be dedicated at the new location, 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 supports the Press Play Fort Lauderdale Strategic Plan 2024, included within the Business Development Cylinder of Excellence, 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.

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

- The Neighborhood Enhancement Focus Area
- The Future Land Use Element
- Goal 2: The City shall encourage sustainable, smart growth which designates areas for future growth, promotes connectivity, social equity, preservation of neighborhood character and compatibility of uses.

Attachments

Exhibit 1 – Location Map

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

Exhibit 3 – Sketch and Legal Description

Exhibit 4 – Copy of Ordinance No. C-82-3

Exhibit 5 – Resolution

Prepared by: Yvonne Redding, Urban Planner III, Sustainable Development

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