



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

#21-0713

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: September 9, 2021

TITLE: Quasi-Judicial Resolution Vacating a Utility Easement Located at 1013
Ponce De Leon Drive - Edwin Canales and Pedro Del Rio - Case No.
UDP-EV20001 – **(Commission District 4)**

Recommendation

Staff recommends the City Commission consider a resolution vacating a utility easement that runs north and south through the subject property located at 1013 Ponce De Leon Drive. The request satisfies the provisions of the City's Unified Land Development Regulations (ULDR), Section 47-24.7, Vacation of Easement.

Background

The applicants, Edwin Canales and Pedro Del Rio, request to vacate a 20-foot wide, utility easement. A location map is attached as Exhibit 1.

The City's Development Review Committee (DRC) reviewed the easement vacation application on January 26, 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 easement area is no longer needed for public purpose. The applicant has received a letter of no objection from the City of Fort Lauderdale Utilities Division. The portion of the easement area being vacated is completely located on the subject property. The sanitary sewer line formerly requiring the

easement was abandoned and filled and is no longer in use due to the sewer force main repairs in the Rio Vista neighborhood at Ponce de Leon Drive. There are no planned drainage structures in the easement area.

- 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 received letters of no objection from all applicable franchise utilities. The Florida Power and Light (FPL) letter indicates there are existing overhead/underground facilities at the site. The utilities within the easement, as specified in the letter will be relocated, removed, or abandoned at the customer's expense. The franchise utility letters of no objection are included within Exhibit 2.

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 easements will be dedicated, 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, 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 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 – Resolution

Prepared by: Nicholas Kalargyros, Urban Planner, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development