



## City of Hallandale Beach City Commission Agenda Cover Memo

<b>Meeting Date:</b>	September 27, 2017		<b>Item Type:</b> <small>(Enter X in box)</small>	Resolution <b>X</b>	Ordinance <b>X</b>	Other	
<b>Fiscal Impact:</b> <small>(Enter X in box)</small>	Yes	No	<b>Ordinance Reading:</b> <small>(Enter X in box)</small>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		<b>X</b>	<b>Public Hearing:</b> <small>(Enter X in box)</small>	Yes	No	Yes	No
				<b>X</b>			
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <small>(Enter X in box)</small>	Yes <b>X</b>		No	
<b>Account Balance:</b>	N/A		<b>Quasi Judicial:</b> <small>(Enter X in box)</small>	Yes		No <b>X</b>	
<b>Project Number :</b>	Application #RV-17-1933		<b>RFP/RFQ/Bid Number:</b>	N/A			
<b>Contract/P.O. Required:</b> <small>(Enter X in box)</small>	Yes	No	<b>Strategic Plan Priority Area:</b> <small>(Enter X in box)</small>  <div style="display: flex; justify-content: space-between;"> <div>Safety</div> <input checked="" type="checkbox"/> </div> <div style="display: flex; justify-content: space-between;"> <div>Quality</div> <input checked="" type="checkbox"/> </div> <div style="display: flex; justify-content: space-between;"> <div>Vibrant Appeal</div> <input checked="" type="checkbox"/> </div>				
		<b>X</b>					
<b>Sponsor Name:</b>	Roger M. Carlton, City Manager		<b>Department:</b> <b>Development Services</b>	Keven R. Klopp, Development Services Director			

### Short Title:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA VACATING CERTAIN PORTIONS OF THE RIGHT-OF-WAY KNOWN AS “OLD FEDERAL HIGHWAY” ADJACENT TO THE BLUESTEN PARK REDEVELOPMENT SITE GENERALLY LOCATED BETWEEN SE 5<sup>TH</sup> STREET AND SE 7<sup>TH</sup> STREET IN HALLANDALE BEACH, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE A TERMINATION AND RELEASE OF PUBLIC RIGHT-OF-WAY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, VACATING CERTAIN PLATTED UTILITY EASEMENTS BEING A PORTION OF PARCEL "A", 601 OLD FEDERAL HIGHWAY PLAT, AUTHORIZING THE CITY MANAGER TO EXECUTE A TERMINATION AND RELEASE OF EASEMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.**

**Staff Summary:**

**Request**

The City of Hallandale Beach is requesting vacation of a portion of Old Federal Highway located between SE 5<sup>th</sup> Street and SE 7<sup>th</sup> Street to accommodate the proposed redevelopment and expansion of Bluesten Park, located at 501 SE 1<sup>st</sup> Avenue. The request also includes vacation of utility easements within the 601 Old Federal Highway Plat, the vacant triangle parcel at 601 Old Federal Highway for the future park.

**Background**

In 2003, the City Commission approved applications by First Development Fund LLC for Major Development Plan and Platting of the parcel located at 601 Old Federal Highway, as the "601 Old Federal Highway Plat" to develop a multi-family high-rise building. The project was not built and the approvals expired.

In 2007, the City purchased the Tower Mobile Home Park parcel located at 600 Old Federal Highway (adjacent to the existing Bluesten Park) and the 601 Old Federal Highway parcel (located east of the existing Bluesten Park) for future park expansion of the Park.

In May 2012, the 2 parcels were rezoned to Open Space District in preparation for the redevelopment and expansion of the park.

On May 17, 2017, the City Commission approved applications for Major Development Plan and Variances to redevelop Bluesten Park. The improvements include a new community center, pool facilities, ball fields, court areas and additional amenities. The future park includes the two additional parcels, inclusive of the 66 feet wide portion of Old Federal Highway. Therefore, the portion of Old Federal Highway which traverses the 2 parcels between SE 5<sup>th</sup> Street and SE 7<sup>th</sup> Street needs to be vacated. In addition, the "601 Old Federal Highway Plat", when approved, included utility easements that conflict with the proposed development plans for the park and also need to be vacated.

On August 16, 2017, the City Commission approved First Reading of the attached ordinance.

**Why Action is Necessary**

Pursuant to Section 25-103(c) of the City of Hallandale Beach Code of Ordinances, the City Commission shall grant or deny the petition for vacation of street or right-of-ways only pursuant to ordinance (See Exhibit 1). Pursuant to the subsection, vacation of easements by the City Commission shall be granted by resolution (Exhibit 2).

**Analysis**

**Right of-Way Vacation**

**Application Details:**

1. The City requests vacation of Old Federal Highway, a 66 feet wide right-of-way for

approximately 698 feet in length. The vacation is necessary as the proposed improvements conflict with the approved redevelopment plans for Bluesten Park (Exhibit 6). The right-of-way to be vacated is bounded on the north by SE 5<sup>th</sup> Street at the intersection with SE 4<sup>th</sup> Avenue, and on the south by SE 7<sup>th</sup> Street. A portion of the proposed multi-purpose field and concession/field house will be located over the right-of-way sought to be vacated.

2. To legally remove the right-of-way from public use, it must be vacated through the public hearing process as provided by Section 25-103 of the Hallandale Beach Code of Ordinances. Accordingly, all property owners adjacent to the proposed right-of-way vacation must also be included in the application. In this instance, the City owns both properties adjacent to the right-of-way to be vacated. Thus, notices to surrounding owners are not required.
3. Please refer to the attached boundary survey for the legal description and location of the right-of-way to be vacated (Exhibit 7).
4. Currently, Old Federal Highway runs diagonally from SE 11<sup>th</sup> Street to SE 5<sup>th</sup> Street where it connects to SE 4<sup>th</sup> Avenue. The approved plans for Bluesten Park include a 25 feet R/W dedication along the east boundary of the Park for a new north/south roadway, SE 4<sup>th</sup> Avenue Extension, which will connect to the existing SE 4<sup>th</sup> Avenue north of the Park.
5. TECO People's Gas and Comcast have no existing facilities within the platted roadway and had no objections to the vacation.
6. FPL had no objections to the vacation provided the City grants alternative utility easements to provide electric service.
7. AT&T has extensive facilities in the right-of-way. It had no objections provided the City agrees to grant AT&T easements to cover existing facilities.
8. There is an existing 12-inch sewer gravity line within the right-of-way area to be vacated. The City Engineer had no objections to the vacation as the existing line will be relocated and upgraded to 15-inch as part of the Bluesten Park improvements.

### **Easement Vacation**

#### **Application Details:**

1. The 601 Old Federal Highway Plat parcel includes a 12 feet utility easement along the northwest property line and a 10 feet drainage easement along the east property line.
2. To legally vacate an easement, it must be vacated through the public hearing process as provided by Section 25-103 of the Hallandale Beach Code of Ordinances. A petition for vacation of an easement may be granted by the City Commission by a resolution.
3. Please refer to the attached boundary survey for the legal description and location of the easements to be vacated (Exhibit 8).
4. TECO People's Gas and Comcast have no existing facilities within the platted parcel and had no objections to the easement vacation.
5. FPL had no objections to the easement vacation provided the City grants alternative utility easements to provide electric service.

6. AT&T have no existing facilities within the easement areas. However, it had no objections provided if any were found, t the City would have to pay for the relocation of any facilities. The City agreed to grant AT&T ta new utility easements once the design of the park is completed.
7. There are no City utilities located within the easement areas. The City Engineer had no objections to the vacation.

The easements sought to be vacated are located within the" 601 Old Federal Highway Plat" which were approved by the City Commission and Broward County Commission. Therefore, in addition to City Commission approval, vacation of the easements will also require an application to Broward County and County Commission approval. It is anticipated the process through the County may take approximately 3 months to complete. Accordingly, since approval of another governmental body is necessary, approval of the easement vacation will become effective upon approval by the Broward County Commission of the vacation.

#### Review of Application Criteria

Section 25-103 of the City Code requires the following criteria be considered in determining whether to grant or deny a petition for right-of-way or easement vacation:

1. Whether any adjoining or abutting property owners will be denied convenient access or *otherwise* adversely affected by a proposed vacation.
2. *No adjoining or abutting property owners will be denied convenient access or be adversely affected by the proposed vacations. The right-of-way vacation of Old Federal Highway is only for the portion within the Bluesten Park site. Alternative routes to surrounding street network will be accessible via SE 5<sup>th</sup> Street, SE 7<sup>th</sup> Street, Old Federal Highway and the proposed SE 4<sup>th</sup> Avenue Extension. In addition, utility companies had no objections to the right-of-way or easement vacations.*
3. Whether the general public will be adversely affected by a proposed vacation.

*The general public will not be adversely affected by the proposed vacations. There are alternative routes to the City's roadway network. In addition, a new roadway, SE 4<sup>th</sup> Avenue Extension is planned as part of the Park improvements to provide a north/south connection to the area. In addition, utility companies had no objections to the right-of-way or easement vacations.*

4. Whether a present or reasonably foreseeable need exists or will exist for the street, right-of-way or easement sought to be vacated.

*There is no present or foreseeable need for the subject right-of-way to be used as a roadway. There are alternative routes, including new SE 4<sup>th</sup> Avenue between SE 5<sup>th</sup> Street and SE 7<sup>th</sup> Street. In addition, utility companies had no objections to the right-of-way or easement vacations.*

<b>Proposed Action:</b>
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Staff recommends the City Commission approve the attached Right-of-Way Vacation Ordinance on Second Reading and adopt the related Resolution vacating the easements within the 601 Old Federal Highway Plat.

<b>Attachment(s):</b>
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Exhibit 1- Proposed Ordinance  
Exhibit 2- Proposed Resolution  
Exhibit 3- Location Map  
Exhibit 4- Aerial Map  
Exhibit 5- Applicant's Letter  
Exhibit 6- Bluesten Park Site Plan  
Exhibit 7- Sketch and Description of Vacation of Right-of-Way  
Exhibit 8- Sketch and Description of Vacation of Easements

Prepared by:

  
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Principal Planner

Concurred with:

  
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Development Services