

Sec. 13-36.1. - ~~Vacation and~~Procedures for acceptance or conveyance/vacation/abandonment of streets, alleyways, roads, or public rights-of-way and easements.

- (a) ~~Purposes and methods.~~ The purposes of this article are to establish a uniform procedure for the application to the city for the vacation and abandonment of city streets, alleys, special purpose easements and other nonfee interests of the city; to designate the departments of the city which shall be responsible for the processing of such application; and to provide the methods and procedures for processing the applications. The purpose of this section is to establish uniform procedures for applications requesting that the City acquire or convey a street, alleyway, road, or public right-of-way; to designate the departments of the City which shall be responsible for processing such applications; and to provide the methods for acquiring or conveying the City's rights in real property that apply to fee simple interests identified as streets, alleyways, roads, or public rights-of-way.
- (b) ~~Exception for Applications for plat approval and abandonments.~~ Applications for plat approval, pursuant to section 13-164, "Preliminary plats," of Chapter 13, the "Land Development Code," that create streets, alleyways, roads, or public rights-of-way are not subject to a concurrent application pursuant to this section. ~~requests vacation and abandonment of city rights-of-way, are subject to a concurrent application for abandonment pursuant to this section.~~
- (c) ~~Application form.~~ All requests for acceptance or conveyance/vacation/—and abandonment of eCity streets, alleyways, roads, or public rights-of-way, special purpose easements and other nonfee interests which the city may have in real property shall be made in writing upon an application form which that shall be furnished by the eCity.
- (d) ~~Application fee.~~ If the application for abandonment pursuant to this article is submitted by a citizen, owner or lessee of adjoining or affected property, the application shall be accompanied by an applicable fee. (See section 13-81(4) for current fee.) The application for acceptance or conveyance/vacation/abandonment pursuant to this section must be submitted by the owner of the affected property, and the application shall be accompanied by an applicable fee plus the estimated costs for recording real property records in the Official Records Books of Broward County. (See section 13-81, "Development application fees," for current fee.)
- (e) ~~Procedures for applications for abandonment of right-of-way.~~
- (1) Upon receipt of an application pursuant to this section for abandonment of rights-of-way, together with fees therefore, the Department of Sustainable eDevelopment services department shall review same for completeness and for compliance with the requirements of this article section. If the application is incomplete, the Department of Sustainable Development will forward a notice of incompleteness to the applicant specifying the data missing from the application received and return the fee collected. Upon the application being properly submitted, and fees paid, it shall be accepted for filing with the Department of Sustainable eDevelopment services department, which shall give a receipt to the

applicant for the fee paid. As soon as practicable, thereafter, the Department of Sustainable eDevelopment services department shall proceed as follows:

- a. Forward copies of the application and supporting materials to members of the DRC for their review and comment.
 - b. Set a date for public hearing thereon to be held by the planning and zZoning bBoard, and refer the matter to the bBoard by providing a summary of the original application at a scheduled meeting.
 - c. Notify by regular mail the owners of real property bounding and abutting the street, ~~or alleyway, road, or right-of-way or portion thereof affected~~, and all the owners of property within ~~five~~three hundred (3500) feet in all directions from the line of the street, ~~or alleyway, road, or right-of-way or portion thereof affected~~. The owner of property shall be deemed to be the person shown on the current eCity tax assessment roll as being the owner and such notice shall be sent to the address given on such assessment roll for that person.
 - ~~d. Notify the general public by publishing notice in a newspaper of general circulation in the city of the public hearing to be held on the application by the planning and zoning board. The cost of such advertisement shall be paid by the applicant.~~
 - ed. Further notify the general public by posting a four-foot by four-foot (4' x 4') sign upon the street, ~~or alleyway, road, or right-of-way, or portion thereof, affected~~, setting forth notice of the proposed action abandonment and of the date of the public hearing to be held on the application by the planning and zZoning bBoard. The sign shall be consistent with the required format for public hearing signage shall be included within the abandonment public of right-of-way. The sign shall be installed fourteen (14) days prior to the public hearing, and the sign shall be posted on the property proposed for amendment facing all road frontages setback ten (10) feet from the property line, if practicable. A dated photograph of all signs shall be submitted to the Department of Sustainable eDevelopment services department by the applicant prior to the public hearing.
- (2) The planning and zZoning bBoard shall hold a public hearing and shall report its recommendations or status on the application ~~for abandonment~~ to the eCity eCommission.
 - (3) The planning and zZoning bBoard shall also consider the right and interest in the street, alleyway, road, or right-of-way subject to the application ~~for abandonment~~ from the standpoint of the benefit of the community as a whole, and shall make appropriate recommendations regarding any arrangement of streets, alleyways, roads and rights-of-way or establishment of cul-de-sacs which are involved therein in order to secure a more regular and harmonious system for pedestrian or traffic circulation. Such report shall include an approximate valuation submitted by the applicant, verified by the staff, and reported to the bBoard of any such street, alleyway, road, or right-of-way to be acquired or conveyed/vacated/abandoned and the extent to which the public interest and

general welfare of the community shall be compensated by obtaining any obligations or making alternate right-of-way, or any monetary fee for additional rights-of-way, or by any combination thereof, in exchange for the City taking the requested action ~~the abandonment applied for~~. Any monetary fee which forms a part of the compensation to the public interest for such action ~~abandonment~~ shall be expressly designated and ~~any sums which shall be received by the eCity pursuant to the provisions hereof shall be required to be deposited into the right-of-way acquisition City's streets fund which shall be established.~~

- (f) *Action by eCity eCommission.* The eCity eCommission shall consider aforesaid reports and recommendations on applications pursuant to this section ~~for abandonment~~, as hereinbefore provided for, within ~~ninety~~sixty (60) days after receipt of same, and shall, after public hearing and due consideration, either accept, modify or deny the ~~recommendation~~application in accordance with the best interests of the public welfare by ordinance setting forth the City Commission's decision. ~~If by the acceptance, modification or denial~~rejection of the recommendation, a change in the land use of the comprehensive plan (district map) is required, or if the aforesaid action of the eCity eCommission necessitates a change in the existing property interests or rights, ~~an ordinance setting forth the change shall be introduced as soon as possible.~~
- (g) *Notice by eCity eClerk.* Upon eCity eCommission approval of the application, an ordinance setting forth such approval shall be certified by the eCity eClerk and forwarded to the applicant, ~~for processing at the county, after which the vacation~~The City Clerk shall be recorded the ordinance and the associated documents relating to the City's interest in real property in the public records of Broward County, Florida and forward a copy to the Department of Sustainable Development, by the applicant and a copy forwarded to the office of the city clerk. The monetary contribution as herein provided for, must be paid in full prior to the recordation of such ordinance.