



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

#17-1259

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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: November 7, 2017

TITLE: Motion to Execute a Memorandum of Understanding between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and the City of Fort Lauderdale and Approve a Public Right-of-Way Easement over State-Owned Lands from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

Recommendation

It is recommended that the City Commission execute a Memorandum of Understanding (MOU) between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT) and the City of Fort Lauderdale to create a roadway leading into the All Aboard Florida Train Station. It is also recommended that the City Commission accept a public right-of-way easement over State-owned lands from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT) to be used for transportation purposes. The land for which the City is seeking an easement is located on an undedicated portion of NW 1st Street between NW 3rd Avenue and NW 4th Avenue, immediately west of the All Aboard Florida Train Station.

Background

At the City Commission Conference Meeting on March 1, 2016, staff presented a plan outlining how the City would acquire rights to approximately 11, 829 square feet of land owned by the State of Florida through Section 253.42, Florida Statutes, which allows for state-owned lands to be offered at no cost to a county or local government. After further conferring with the Florida Division of State Lands staff, as well as staff from All Aboard Florida, it was determined that submitting an executed upland easement application would ultimately be the best way of attempting to acquire easement rights on land currently owned by the State.

At the April 19, 2016, City Commission Meeting, the City Commission approved Resolution 16-67 authorizing the City Manager to file an application with the BOT seeking the granting of a public right-of-way easement from the State to assist in All Aboard Florida's adjacent transit oriented development. Upon review of the application, the State discovered that the request of the public right-of-way easement posed a direct negative impact to the Florida Department of Management Services (DMS) and the adjacent parking lot used by DMS staff at the Gore Building.

City Staff, along with All Aboard Florida, commenced to work with the BOT and DMS to develop a solution to mitigate for loss of parking for DMS staff while still receiving the easement from BOT. All parties came together and determined that for the City to receive the easement, DMS would need the assurance that a new parking lot, to mitigate for the loss of parking by granting the easement, would be constructed by the grantee, the City. The City has agreed to this arrangement and it is memorialized through the MOU (Exhibit 1). The MOU states that in exchange for a perpetual public easement BOT will receive a newly constructed parking lot on the state-owned land where the Gore Building is located. The new parking lot will replace the sixteen (16) lost DMS parking spaces resulting from the construction of the new roadway (the perpetual public easement).

All Aboard Florida has agreed to assume all development responsibility for the new roadway and the new BOT parking lot for DMS without cost to the City. The City Commission will be presented with the Development Agreement between the City of Fort Lauderdale and All Aboard Florida at the City Commission Meeting on November 7, 2017 (see CAM #17-1262). The Development Agreement explicitly states that the City's responsibilities and obligations pursuant to the MOU with BOT are transferred to and will be fulfilled by the developer, All Aboard Florida.

Resource Impact

There is no fiscal impact to the City associated with this item.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 1: Be a pedestrian friendly, multi-modal City.
- Objective 1: Improve transportation land use and planning to create a walkable and bikeable community.

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

Attachment

Exhibit 1 – Memorandum of Understanding

Exhibit 2 – BOT Easement

Prepared by: Ryan Henderson, City Manager's Office

Department Director: Lee R. Feldman, ICMA-CM, City Manager