



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

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

**DATE:** January 22, 2014

**TITLE:** Utility Easement and Future Relocation Letter to the Florida East Coast  
Industries, Inc.

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**Recommendation**

It is recommended that the City Commission authorize the City Manager to countersign Florida East Coast Industries, Inc. (FECI) November 20, 2013 utility easement and future relocation letter ("Letter") (attached as EXHIBIT 1) to the Florida East Coast Industries (FECI), Inc. relative to the All Aboard Florida rail project.

**Background**

As part of the All Aboard Florida rail project with stations planned in Orlando, West Palm Beach, Fort Lauderdale, and Miami, the FECI will be purchasing a property owned by Florida Power and Light Company (FPL) with the intent to dedicate a portion of the property to the City of Fort Lauderdale for right-of-way.

Following the January 7<sup>th</sup> Commission meeting, a meeting was held with FECI representatives, which resulted in removal of relocation costs pertaining to "future facilities." However, if the need for relocation of "existing facilities" is caused by "present or future uses or occupancy of the Easement Area," then such relocation would be at the City's expense.

As explained more fully in the attached Memorandum (Exhibit "2") by counter-signing the Letter, the City agrees that any future City right-of-way easements would be subordinate and inferior to FPL's utility easement. Further in the event conflicts arise between the future right-of-way needs and the location of the FPL's existing facilities within the utility easement, the City would be responsible for the relocation costs of such existing facilities, including the cost of acquiring replacement easements.

The existing rail crossing at NW 2<sup>nd</sup> Street will be permanently closed as part of the construction of the All Aboard Florida station. To mitigate this, the FECI (with 50% funding provided through a Federal Economic Development Administration grant the

City has applied for) will be building a new street between NW 2<sup>nd</sup> and 4<sup>th</sup> Street on said property, necessitating the need for this letter. Access is critical and Transportation and Mobility staff is in support of signing the letter.

This item was brought before Commission on January 7th and was deferred to this meeting.

**Resource Impact**

There is no resource impact at this time. However, in the event the City requests relocation of existing FPL utilities, there will be a cost to the City.

**Strategic Connections**

This item is a Commission Annual Action Plan priority, included within the Management Agenda, advancing the All Aboard Florida project.

It is also a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 1: Be a pedestrian friendly, multi-modal City.
- Objective 1: Improve transportation options and reduce congestion by working with agency partners.
- Initiative 3: Work with partners to construct the Wave Streetcar, including the Transit-Oriented Development (TOD) ordinances and connections to airport, port, and rail stations.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We are Connected*.

Related CAM:

14-0056, 1-7-2014 – Pulled from agenda

Attachment:

Exhibit 1 – FECl Utility Easement and Utility Relocation Letter

Exhibit 2 – Memorandum regarding allocation of relocation costs

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Prepared by: Elizabeth Van Zandt, Mobility Manager

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