



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

**#22-0899**

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

**FROM:** Greg Chavarria, City Manager

**DATE:** October 18, 2022

**TITLE:** Motion Approving and Authorizing the Execution of 1) A Revocable License Agreement Between Broward Partnership For The Homeless, Inc., Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on NW 7<sup>th</sup> Avenue in Association with the “Seven on Seventh” Project Located at 920 NW 7<sup>th</sup> Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between Broward Partnership For The Homeless, Inc. and the City of Fort Lauderdale – **(Commission District 2)**

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**Recommendation**

Staff recommends the City Commission consider a motion approving and authorizing the execution of two separate agreements more specifically described below, for the perpetual maintenance of public realm improvements on NW 7<sup>th</sup> Avenue, in association with the “Seven on Seventh” project located at 920 NW 7<sup>th</sup> Avenue. The agreements are as follows: 1) A Revocable License Agreement (“RLA”) among Broward Partnership For The Homeless, Inc. (“Developer”), Broward County and the City of Fort Lauderdale (“Tri-Party RLA”); and 2) An Agreement Ancillary to said Tri-Party RLA, between Broward Partnership For The Homeless, Inc. and the City of Fort Lauderdale (“AARLA”).

**Background**

The subject project consists of 72 affordable housing units and 1,848 square feet of ground floor retail with structured parking for 124 parking spaces. The site plan received City approval in March 2021 (DRC Case #R18078) for a 9-story (90-foot high) building, with a total gross floor area of 143,130 square feet. A “Location Map” is attached as Exhibit 1.

The City’s site plan approval conditions require the Developer, Broward Partnership For The Homeless, Inc., to install and perpetually maintain landscape material, soil cells, root barriers, and irrigation on the east side of NW 7<sup>th</sup> Avenue (“Right-of-Way Improvements”). Since NW 7<sup>th</sup> Avenue is under Broward County jurisdiction, the County is requiring execution of the Tri-Party RLA to ensure that the Right-of-Way Improvements are installed and maintained in compliance with minimum County engineering standards. The site is currently undergoing construction, and the Developer is requesting this Revocable License in preparation for the Right-of-Way Improvements to be installed under a County

construction permit, subject to the execution of the subject Tri-Party RLA. A sketch showing the License Area is attached as Exhibit 2.

A copy of the Tri-Party RLA is provided as Exhibit 3 and a copy of the AARLA is included as Exhibit 4.

Approval of this item should be carefully considered since the Tri-Party RLA holds the City ultimately responsible for curing deficiencies and failures that may arise from non-compliance by the Developer. In addition to this project, agreeing to these obligations may have future financial implications for the City since it is likely that the County will be including these requirements as standard provisions in all Tri-Party Agreements needed for upcoming developments along County Rights-of-Way.

Specifically, Section 4 of the Tri-Party RLA (Exhibit 3) provides that if the Licensee, Broward Partnership For The Homeless, Inc., does not comply with the requirements in the Tri-Party RLA, the City is responsible for performing the maintenance obligations and curing all deficiencies within 30 days, or pay for the County's expenses to cure such deficiencies. Section 4.2 of the Tri-Party RLA states that the City may not relieve itself of any of its obligations under the Tri-Party RLA by contracting with a third party. Additionally, Section 7.11 of the Tri-Party RLA allows the County to terminate the agreement for cause or convenience; however, there are no provisions for the City to terminate the Agreement. Moreover, if the Agreement is terminated by the County and the Licensee does not comply with its obligations, the City is still responsible for performing the Licensee's duties after the Agreement is terminated.

In turn, as a condition precedent to the execution of the Tri-Party RLA, the City is requiring the execution of the AARLA that provides certain remedies for the City in the event of default by the Developer. These remedies include the Developer paying fines to the City or reimbursing the City for all reasonable and necessary costs and expenses related to curative actions taken by the City, and the City reserving the right to record a Claim of Lien against the Developer's property. These remedies should be weighed against the potential financial exposure created for the City by the Tri-Party RLA.

If the City Commission approves execution of both agreements, then originals of the Tri-Party RLA executed by the City will be forwarded to Broward County for consideration and formal action by the Board of County Commissioners to enter into the Agreement.

### **Resource Impact**

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

### **Strategic Connections**

This item is a *2022 Commission* Priority, advancing the Smart Growth initiative.

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Infrastructure Focus Area
- Goal 2: Build a multi-modal and pedestrian friendly community
- Objective: Improve roads, sidewalks, and trails to prioritize a safer, more walkable and bikeable community

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

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan, specifically advancing:

- The Infrastructure Focus Area
- The Transportation & Mobility Element
- Goal 1: Ensure the equitable development of a Complete Network for transportation that prioritizes Safety and emphasizes multimodal mobility and accessibility

### **Attachments**

Exhibit 1 – Location Map

Exhibit 2 – License Area

Exhibit 3 – Tri-Party RLA

Exhibit 4 – AARLA

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