



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#17-0497

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

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

DATE: May 16, 2017

TITLE: Resolution to Approve a (1) Maintenance Memorandum of Agreement with the Florida Department of Transportation for Maintenance of Nonstandard Improvements Installed within the Right-of-Way on Federal Highway between NE 5th Street and NE 6th Street and (2) Assumption Agreement with T-C The Manor at Flagler Village LLC

Recommendation

It is recommended that the City Commission (1) adopt a resolution authorizing execution of a Maintenance Memorandum of Agreement (Exhibit 1), in substantially the form attached, with the Florida Department of Transportation (FDOT) for the following non-standard improvements:

- Landscaping consisting of 4 palm trees, 16 shade trees and various shrubs/ground cover, 4 tree grates, 3 bike racks, associated with The Manor at Flagler Village project; and
- Stamped Asphalt cross-walk along the west side of Federal Highway connecting the north and south sides of NE 6th Street installed by the CRA during the streetscape enhancement project along NE 6th Street;

and (2) an Assumption Agreement with T-C The Manor at Flagler Village LLC, in substantially the form attached as Exhibit 2.

Background

On January 22, 2014, the CRA Board of Directors approved the funding request for a streetscape enhancement grant for this project. On August 19, 2014, the CRA Board of Directors authorized the proper CRA Officials to execute a development agreement for a Streetscape Enhancement Grant with RD Flagler Village, LLC (the previous owner/developer of The Manor at Flagler Village). RD Flagler Village is an entity affiliated with/controlled by Related Development.

During construction of The Manor at Flagler Village, the contractor removed pavers installed by the CRA at the corner of Federal Highway and NE 6th Street and replaced them with concrete. While this was done in accordance with Related Development's approved site plan, certain neighborhood representatives questioned the removal of the pavers. The neighborhood also asked the City to consider removing the sidewalk directly abutting Federal Highway and relocate the public sidewalk on to private property (the area in front of the commercial buildings The Manor at Flagler Village). Because Federal Highway is FDOT right-of-way, authorization for these items would need to be permitted by FDOT.

Related agreed to pursue these modifications through FDOT, and posted a bond in the amount of \$71,205.00, the estimated cost of the improvements, so certificates of occupancy could be issued during the FDOT permitting process. The FDOT permitting process started in February 2015, and during its review, FDOT discovered that the existing landscaping and CRA pavers/stamped asphalt were never permitted through FDOT. Specifically, those improvements included:

1. The CRA pavers which Related was seeking to re-install at the corner of Federal Highway and NE 6th Street;
2. The existing stamped asphalt cross-walk installed by the CRA on the west side of Federal Highway linking the north and south sides of NE 6th Street; and
3. A small portion of the installed landscaping, tree grates and bike racks associated with The Manor at Flagler Village project.

Regarding the sidewalk removal, Related proposed to FDOT to remove the sidewalk and give FDOT a sidewalk easement for pedestrian access along the front of the retail. However, FDOT would not allow this unless there was a direct ADA compliant access from the existing bus stop on Federal Highway to the new sidewalk in front of the retail buildings. Because of the grade change between the bus stop and the sidewalk in front of the retail buildings, stairs would need to connect the bus stop and the sidewalk. This would also trigger a requirement to provide an ADA-compliant ramp. In order to meet the maximum slope of 1:12 required by ADA for the ramp, there would be significant impacts to the front of project along Federal Highway, including but not limited to removal of a significant portion of the trees/landscaping, irrigation and other improvements to provide a sufficient amount of ramping to meet the maximum slope requirement. This would significantly disturb the existing improvements and ultimately, would detract from the aesthetics of the project. Consequently, a decision was made that it was best to leave the sidewalk as is.

Even after Related sold the Property in July of 2015, Related continued to pursue the permits from FDOT for the remaining items. However, in December 2015 due to the time FDOT was taking to review the plans, the scope of the project was changed to remove the items that were slowing down the process and limit the permit application solely after-the-fact permits reflecting the “as built” conditions (CRA stamped asphalt and The Manor’s landscaping). This leaves the re-installation of the CRA pavers at the corner of the NE 6th Street and Federal Highway as an outstanding item. Because the landscaping and stamped asphalt are non-standard improvements which FDOT will not maintain, FDOT requires the municipality to enter into a Maintenance Memorandum of Agreement for the maintenance of these improvements.

It is important to note that Related is not trying to get out of its commitment; they simply could no longer wait while FDOT’s prolonged review continues. Therefore, Related has offered to give the City a cash payment in an amount equal to the bond which was posted (\$71,205.00), which covered the estimated cost of all the contemplated improvements (including the improvements which ended up being unfeasible). The City can then use those funds to pursue the re-installation of pavers or other improvements it wishes. Therefore, it is recommended that the City Commission approves this Agreement so that the as-built conditions can remain in place.

Resource Impact

There will be a positive impact of \$71,205.00.

<i>Funds available as of April 19, 2017</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB- OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
347-P12012.347-N571	HENRY SQUARE STREETSCAPE	MISC REVENUES/ MISC CHARGES TO OTHER FUNDS	\$0	\$379,775	\$71,205.00
				TOTAL AMOUNT ►	\$71,205.00

Strategic Connections

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

- Goal 1: Be a pedestrian friendly, multi-modal City.
- Objective 2: 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 Connected*.

Attachments

Exhibit 1 - Maintenance Memorandum of Agreement

Exhibit 2 - Assumption Agreement

Exhibit 3 - Resolution

Prepared by: Sharon Dreesen, Transportation and Mobility

Department Director: Diana Alarcon, Transportation and Mobility