



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#19-1135

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: December 3, 2019

TITLE: Motion Authorizing Execution of 1) A Revocable License Agreement between Elevate One River LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on South Andrews Avenue in Association with the “Elevate One River” Project Located at 4 West Las Olas Boulevard; and 2) An Agreement Ancillary to Revocable License Agreement, Between Elevate One River LLC and the City of Fort Lauderdale – **(Commission District 4)**

Recommendation

It is recommended that the City Commission approve a motion to authorize the execution of two separate agreements for the installation and perpetual maintenance of public realm improvements on South Andrews Avenue, in association with the “Elevate One River” project (formerly known as the “4 West Las Olas”) located at 4 West Las Olas Boulevard, as follows: 1) A Revocable License Agreement (RLA) among Elevate One River LLC (“Developer”), Broward County and the City of Fort Lauderdale (“Tri-Party RLA”); and 2) An Agreement Ancillary to said Tri-Party RLA, between Elevate One River LLC and the City of Fort Lauderdale (“AARLA”).

Background

The subject development consists of a twenty-five story mixed use multi-family residential building with structured parking and ground floor restaurant/retail that was issued site plan approval by the City in December 2016 (DRC Case #R16013). A location map is attached as Exhibit 1. As a condition of their site plan approval, the Developer needs to construct and maintain decorative pavers, sidewalks, lighting, landscaping, planters and other ancillary improvements within the South Andrews Avenue right-of-way (“Right-of-Way Improvements”).

Since South Andrews Avenue is under Broward County jurisdiction, the County is requiring execution of the Tri-Party RLA as a condition of their approval for the developer to install and maintain the improvements in their rights-of-way. The Tri-Party RLA places certain obligations on the Developer/Licensee to ensure that the Right-of-Way Improvements are maintained to meet minimum County standards. The Tri-Party RLA also contains conditions that obligate the City to become responsible for and assume the

Developer's/Licensees' responsibilities and obligations for the ongoing maintenance, repair and replacement of the Right-of-Way Improvements in case of default by the Developer. 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.

A copy of the Tri-Party RLA is provided as Exhibit 2 and a copy of the AARLA is included as Exhibit 3. 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 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.

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Tri-Party RLA

Exhibit 3 - AARLA

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