



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#13-1396

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

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

DATE: October 15, 2013

TITLE: Motion to authorize execution of a Revocable License with 401 East Las Olas, LLC and The Grille On Las Olas, LLC, for the installation and maintenance of an outdoor dining area adjacent to a restaurant operation consisting of an elevated deck and cable-wire railings within an existing five-foot wide sidewalk and roadway easement adjacent to the SE 5 Avenue Right-of-Way.

Recommendation

It is recommended that the City Commission approve a motion authorizing execution of a Revocable License in substantially the form provided, with 401 East Las Olas, LLC and The Grille On Las Olas, LLC, for the installation and maintenance of an outdoor dining area consisting of an elevated deck and cable-wire railings within an existing five-foot wide sidewalk and roadway easement adjacent to the SE 5 Avenue Right-of-Way..

Background

At their conference meeting on October 1, 2013 (CAM #13-1343), the City Commission discussed issues surrounding the permitting of private dining areas in public easements and expressed that outdoor dining could be a valuable tool to activate areas within the urban core. A Revocable License with a limited term was discussed as one way to allow private use of public easements within the framework of the existing laws and ordinances.

Consistent with those objectives that were discussed at the October 1st meeting, The Grille 401 Restaurant (located on the northwest corner of East Las Olas Boulevard and SE 5 Avenue), is seeking to modify an existing permit for an outdoor dining area within an existing five-foot wide sidewalk and right-of-way easement on the west side of SE 5 Avenue.

The total width of the pedestrian area on the west side of SE 5 Avenue in front of the Grille 401 is approximately 13 ½ feet; the traversable width of sidewalk between the outdoor dining/easement area and the curb is approximately 8 ½ feet.

The Urban Design and Planning Division and Engineering staff have reviewed the design and find it to be compatible with and supportive of the goals for creating a more vibrant downtown core.

The Revocable License is being executed by both the Property owner (401 East Las Olas, LLC) and tenant (The Grille On Las Olas, LLC) and each party would be jointly and severally responsible for complying with the terms and conditions therein.

The Licensee is required to maintain the improvements, provide standard insurance, indemnify the City and restore the right-of-way to original conditions upon termination. The License may be revoked by the City at any time for non-compliance, for public health/safety reasons or if there is ever a conflict with a higher public purpose. In the event the City must remove the improvements at the end of the term of the License, the License contains provisions whereby the total expenses and administrative costs could be passed on the Licensee by way of a special assessment lien.

The term of the Revocable License is for two years, with a provision to extend the term for an additional two years with City Commission approval.

A copy of the Revocable License is attached as **Exhibit 1**.

Resource Impact

There is no fiscal impact to the City.

Attachment

Exhibit 1 - Revocable License

Prepared By: Dennis Girisgen, P.E., Assistant City Engineer

Department Director: Greg Brewton, Department of Sustainable Development