



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#20-0569

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: August 18, 2020

TITLE: Motion Authorizing Execution of 1) A Revocable License Agreement between Andrews Project Development, LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on North Andrews Avenue in Association with the “Progreso Commons” Project Located at 947 North Andrews Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between Andrews Project Development, LLC and the City of Fort Lauderdale – **(Commission District 2)**

Recommendation

It is recommended that the City Commission consider a motion to authorize the execution of two separate agreements in substantial form for the installation and perpetual maintenance of public realm improvements on North Andrews Avenue, in association with the “Progreso Commons” project located at 947 North Andrews Avenue, as follows: 1) A Revocable License Agreement (RLA) among Andrews Project Development, LLC (“Developer”), Broward County and the City of Fort Lauderdale (“Tri-Party RLA”); and 2) An Agreement Ancillary to said Tri-Party RLA, between Andrews Project Development, LLC and the City of Fort Lauderdale (“AARLA”).

Background

The subject development consists of a 21,998 square foot grocery/supermarket, a 5,991 square foot multi-purpose convenience store with 10 fuel islands, and a 6,250 square foot sit-down restaurant that was issued site plan approval by the City in November 2018 (DRC Case #R17028). The “Location Map” is attached as Exhibit 1, and “License Area” attached as Exhibit 2. 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 North Andrews Avenue right-of-way (“Right-of-Way Improvements”).

Since North 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 3 and a copy of the AARLA is included as Exhibit 4. 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 – License Area

Exhibit 3 – Tri-Party RLA

Exhibit 4 – AARLA

Prepared by: Raymond Meyer, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development