



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

FROM: Cynthia A. Everett, City Attorney

DATE: April 21, 2015

TITLE: Resolution accepting conveyance of a Riverwalk Linear Park Easement
Deed from LOYCA Property Owners, LLC.

Recommendation

It is recommended that the City Commission adopt a Resolution accepting conveyance of the Riverwalk Linear Park Easement Deed from LOYCA Property Owners, LLC, a Delaware limited liability company, in order to extend that portion of Riverwalk between S.E. 5th Avenue on the West and The Stranahan House on the East.

Background

In consideration of the joint undertaking between the City of Fort Lauderdale and the Downtown Development Authority's (DDA) for repair and/or replacement of the existing sea wall and cap located on or abutting Riverwalk Linear Park, LOYCA Property Owners, LLC, a Delaware limited liability company (Grantor) has agreed to grant, give and convey the Riverwalk Linear Park Easement Deed to the City of Fort Lauderdale, subject to the following terms and conditions:

1. A perpetual, non-exclusive easement over, under and across the surface of the Riverwalk Easement Area and Adjacent Riverwalk (over portions of New River) for public non-vehicular (other than for governmental emergency and service vehicles and non-governmental service vehicles, as authorized by the City Manager, and, for construction, maintenance and repair and pedestrian access, ingress and egress, twenty-four hours a day, seven days a week, and for such other uses as may be consistent with the use of the Riverwalk Linear Park and permissible activities associated therewith and to be conducted therein (subject, however, to the restrictions set forth in Section 13 of the agreement). Grantor reserves the exclusive right of dockage of vessels.
2. A perpetual, non-exclusive easement over, under and across the surface of the Construction and Maintenance Easement Area for construction, operation, use, maintenance, repair, modification and replacement from time to time of the Riverwalk Improvements.

3. As to the perpetual, non-exclusive easement rights described in subparagraphs 1. and 2. above, except for the easement rights currently existing as set forth in the matters of record set forth on Exhibit “D” of the agreement, which shall be superior to the non-exclusive easement rights granted herein, the non-exclusive easement rights granted herein shall be superior to any and all other easement rights within the Easement Areas that are not consistent with the easement rights granted herein for the Easement Areas.

Resource Impact

There is no fiscal impact associated with this item.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018 Initiative*, included within the Infrastructure Cylinder of Excellence, specifically advancing:

Goal 1: Be a pedestrian friendly, multi-modal City.

Objective 1: Improve transportation options and reduce congestion by working with agency partners.

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

Attachments:

Exhibit 1 - Riverwalk Linear Park Easement Deed from LOYCA Property Owner, LLC

Exhibit 2 - Resolution accepting Riverwalk Linear Park Easement Deed from LOYCA Property Owner, LLC

Prepared by: Robert B. Dunckel, Assistant City Attorney

Department Director: Cynthia Everett, City Attorney