



TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Lee Feldman, City Manager

DATE: September 5, 2012

TITLE: Motion to authorize execution of a Revocable License with Kalik, LLC, to install and maintain private improvements in a 20-foot wide platted public utility easement extending through the property located at 3300 East Commercial Boulevard.

Recommendation

It is recommended that the City Commission adopt a motion authorizing execution of a the Revocable License with Kalik, LLC, in substantially the same form as provided, for the installation and perpetual maintenance of private improvements in the 20-foot utility easement.

Background

On December 1, 2011, Kalik, LLC received site plan approval from the City (Case Number 49-R-93A1) to construct interior and exterior renovations on their property located at 3300 East Commercial Boulevard. A location map is attached as **Exhibit 1**. In association with that development plan, a proposal to construct private improvements in the 20-foot public utility easement on the subject property was considered by the Property and Right-of-Way Committee on May 19, 2011. The proposed improvements include items such as canvas awning, decorative pavers, concrete decking, wood decking, outdoor dining furniture, aluminum fencing, landscaping, irrigation, asphalt parking and landscaped islands.

The Property and Right-of-Way committee provided their favorable recommendation subject to satisfaction of certain conditions and the approval of a Revocable License by the City Commission.

A copy of the Revocable License is attached as **Exhibit 2**. A schematic diagram showing the proposed improvements is in exhibit D of the Revocable License. Key conditions memorialized in the Revocable License are as follows:

- Requires the Licensee (Kalik, LLC) to remove an existing 24" drainage outfall line from the existing 20-foot utility easement and reconstruct it at the south end of the subject property and provide a 15-foot utility easement for access and maintenance by the City.

- Obligates the Licensee to perpetually maintain private improvements in the 20-foot utility easement and not hinder its use by other public utilities.
- Requires Licensee to indemnify the City and provide commercial, automobile and liability insurance and worker's compensation coverage.
- Requires Licensee to obtain an engineering permit for the installation of the improvements

The Revocable License may be terminated by the City if there is ever a conflict with a higher public purpose, in the event of an emergency or due to non-compliance with the terms and conditions contained therein.

The Revocable License may also be terminated by the Licensee if there is no longer a need for the improvements in the easement.

Resource Impact

There is no fiscal impact to the City.

Attachment

Exhibit 1 – Location Map

Exhibit 2 - Revocable License

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