



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#23-0676

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

FROM: Greg Chavarria, City Manager

DATE: September 19, 2023

TITLE: Motion Approving and Authorizing the City Manager to Execute the following Agreements: 1) A Revocable License Agreement Between Fairfield Cypress LP, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on North Andrews Avenue in Association with the “Fairfield” Project Located at 6500 North Andrews Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between Fairfield Cypress LP and the City of Fort Lauderdale – **(Commission District 1)**

Recommendation

Staff recommends the City Commission consider a motion approving and authorizing the City Manager to execute two separate agreements in substantially the forms attached as Exhibits 3 and 4. The Agreements authorize the installation and perpetual maintenance of public realm improvements on North Andrews Avenue, in association with the “Fairfield” project located at 6500 North Andrews Avenue. The agreements are as follows: 1) A Revocable License Agreement (“RLA”) among Fairfield Cypress LP (“Developer”), Broward County and the City of Fort Lauderdale (“Tri-Party RLA”); and 2) An Agreement Ancillary to said Tri-Party RLA, between Fairfield Cypress LP and the City of Fort Lauderdale (“AARLA”).

Background

The subject project consists of 295 multi-family residential units and 46,735 square feet of retail, restaurant, and office uses with structured and surface parking for 709 parking spaces. The site plan received City approval in January 2021 (DRC Case #PLN-SITE-20050005) for an 8-story (85-foot high) mixed-use building and a 2-story commercial building, with a total gross floor area of 360,717 square feet. A “Location Map” is attached as Exhibit 1, and a sketch showing the “License Area” is attached as Exhibit 2.

The City’s site plan approval conditions require the Developer, Fairfield Cypress LP, to install and perpetually maintain landscaping and irrigation on the east side of North Andrews Avenue (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 site is currently under construction, and the Developer is requesting this Revocable License in preparation for the Right-of-Way improvements to be installed under a county construction permit, subject to the execution of the subject Tri-Party RLA.

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 (Licensee's) 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 is a *2022 Commission* Priority, advancing the Smart Growth initiative.

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.

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan, specifically advancing:

- The Infrastructure Focus Area
- The Transportation & Mobility Element
- Goal 1: Ensure the equitable development of a Complete Network for

transportation that prioritizes Safety and emphasizes multimodal mobility and accessibility

Attachments

Exhibit 1 – Location Map

Exhibit 2 – License Area

Exhibit 3 – Tri-Party RLA

Exhibit 4 – AARLA

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