

SECTION NO: 860005
S.R. NO.(S): 838
COUNTY: Broward
PERMIT NO.(S): 13-A-491-0010

**DISTRICT FOUR (4) AMENDMENT NUMBER TWO (2)
TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND
CITY OF FORT LAUDERDALE LANDSCAPE
INCLUSIVE MEMORANDUM OF AGREEMENT**

This is Amendment Number Two (2) to the Agreement dated December 12, 2007, made and entered into this _____ day of _____ 20__ by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT and the City of Fort Lauderdale, a municipal subdivision of the State of Florida, hereinafter called the AGENCY.

WHEREAS, the parties entered into the Inclusive Maintenance of Agreement dated, December 12, 2007 for the purpose of maintaining the landscape improvements by the AGENCY on various roads including State Road 838 (Sunrise Boulevard) and;

WHEREAS, the DEPARTMENT and the AGENCY have agreed to allow the adjacent property owner to add additional landscape improvements to be installed on State Road 838 (Sunrise Boulevard) in accordance with the above referenced Agreement;

WHEREAS, the AGENCY by Resolution No. _____ dated _____, attached hereto and by this reference made a part hereof, desires to enter into this Agreement and authorized its officers to do so;

NOW THEREFORE, for and in consideration of mutual benefits that flow each to the other, the parties covenant and agree as follows:

1. The DEPARTMENT shall modify the Inclusive Agreement dated December 12, 2007 by adding the following provision:

ADJACENT PROPERTY OWNER IMPROVEMENTS

The DEPARTMENT may allow an adjacent property owner to construct additional landscape improvements within the limits of the right of way identified in Exhibit A of this document that the AGENCY shall be responsible for maintaining under this agreement subject to the following conditions:

- (a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT and shall require a valid permit attached with a letter of consent to said plans by the AGENCY. The plans shall not be changed or deviated from without written approval by the DEPARTMENT and the AGENCY.

- (b) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.
 - (c) The AGENCY agrees to comply with the requirements of the Agreement with regard to any additional landscape improvements installed by an adjacent owner.
 - (d) If the Adjacent Property Owner's landscape improvements include additional maintenance requirements, the DEPARTMENT and the AGENCY shall agree in writing and require signature from the responsible AGENCY'S *City Manager or designee approval signature*, and the DEPARTMENT shall enter into an Agreement Amendment describing the additional requirements.
2. Pursuant to the provision added in Section 1 of this amendment the AGENCY has agreed to allow the Adjacent Property Owner, Paseo Del Mar to construct additional landscape improvements or to modify an improvement located as indicated in **Exhibit A** State Road 838 (Sunrise Boulevard) from 100 feet west of N.E. 16th Avenue (M.P. 6.3566) to 150 feet west of N.E. 17th Avenue (M.P. 6.4858) in accordance with the plans attached as **Exhibit B**.
3. The AGENCY shall agree to maintain the landscape improvements in the Inclusive Agreement described above and as provided in accordance with the Maintenance Plan, **Exhibit F** of the original agreement.

Except as modified by this amendment, all terms and conditions of the original Agreement and all amendments there to shall remain in full force and effect.

Exhibits

Exhibit A - Landscape Improvements Limits and Maintenance Boundaries and Location Map

Exhibit B - Landscape Improvement Plans

In Witness whereof, the parties hereto have executed with this Amendment effective the ____ day _____ year written and approved.

City of Fort Lauderdale
a municipal corporation

State of Florida
Department of Transportation

By: _____
Chairperson/Mayor/Manager

By: _____
Director of Transportation Development

Attest: _____ (SEAL)
Clerk

Attest: _____ (SEAL)
Executive Secretary

Legal Review

Legal Review

Attorney Date

Office of the General Counsel Date

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EXHIBIT A

**LANDSCAPE IMPROVEMENTS LIMITS AND MAINTENANCE
BOUNDARIES AND LOCATION MAP**

I. LANDSCAPE PROJECT LOCATION:

**State Road 838 (Sunrise Boulevard) from 100 feet west of N.E. 16th Avenue
(M.P. 6.3566) to 150 feet west of N.E. 17th Avenue (M.P. 6.4858)**

**II. INCLUSIVE LIMITS OF LANDSCAPE IMPROVEMENTS MAINTENANCE FOR
State Road 838 (Sunrise Boulevard):**

**State Road 838 (Sunrise Boulevard) Section 86110000
M.P. 5.789 (east of N.W. 24th Avenue) to M.P. 8.161 (State Road 5/US 1)
Entire right of way**

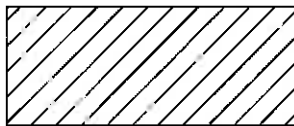
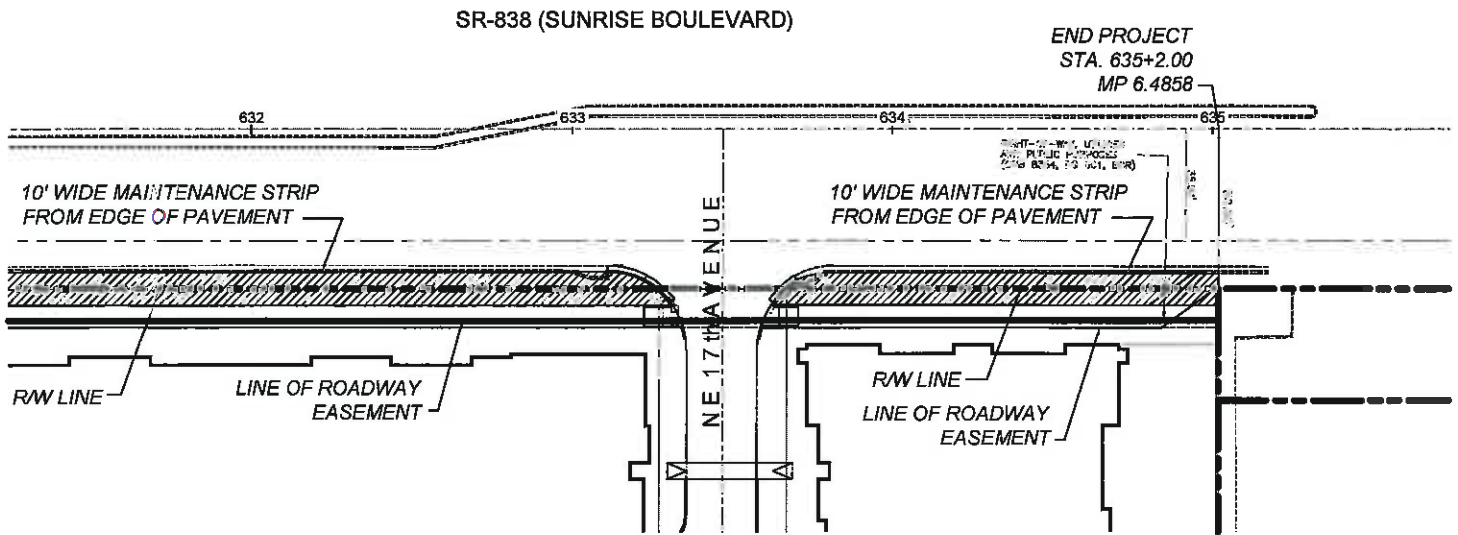
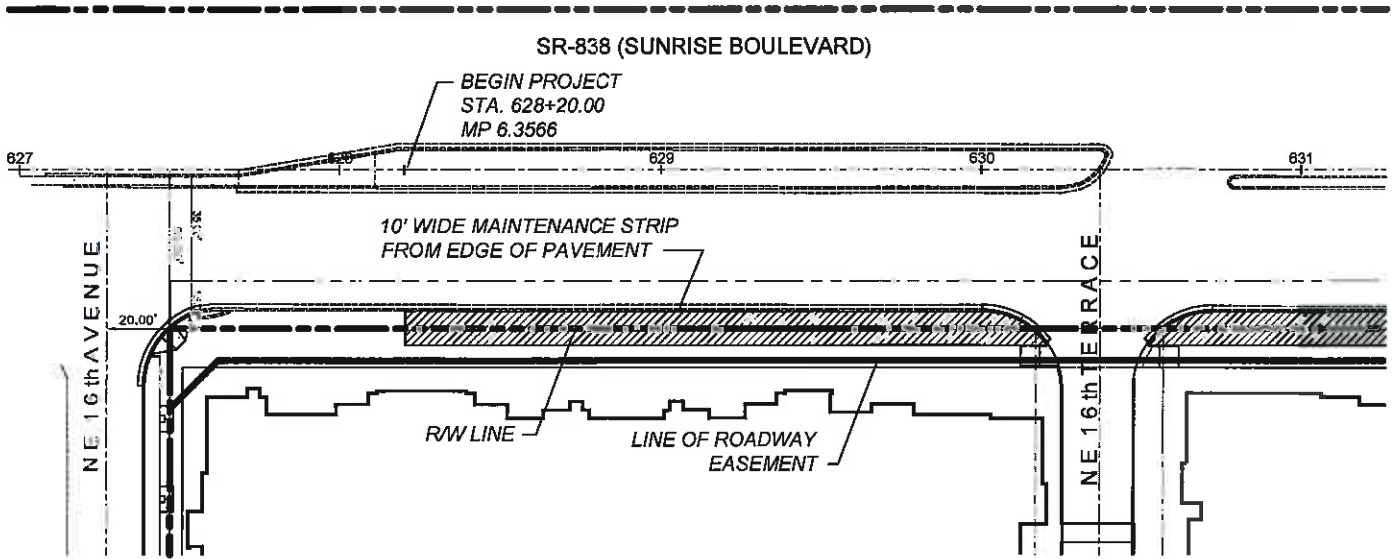
**State Road 838 (Sunrise Boulevard) / State Road 5 (US 1/Federal Highway)
Section 86020000
M.P. 1.060 (State Road 838/Sunrise Boulevard) to M.P. 1.911 (N.E. 18th Avenue)
Entire right of way**

**State Road 838 (Sunrise Boulevard) Section 86005000
M.P. 0.000 (N.E. 18th Avenue) to M.P. 1.191 (State Road A1A)
Entire right of way**

III. LOCATION MAP OF THE PROJECT:

***All limits of the original agreement and amendments shall apply**

Please See Attached



**LIMITS OF MAINTENANCE BY
CITY OF FORT LAUDERDALE**



NORTH

**LIMITS OF MAINTENANCE PLAN
SR 838 -LANDSCAPE IMPROVEMENTS**

**STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION
PERMIT # 2013-A-491-0010**

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EXHIBIT B

LANDSCAPE IMPROVEMENT PLANS

The Adjacent Property Permittee agrees to install the Project in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: **Rhett .G. Roy, RLA**
Rhett Roy Landscape Architecture and Planning, P.A.

Dated August 1, 2013

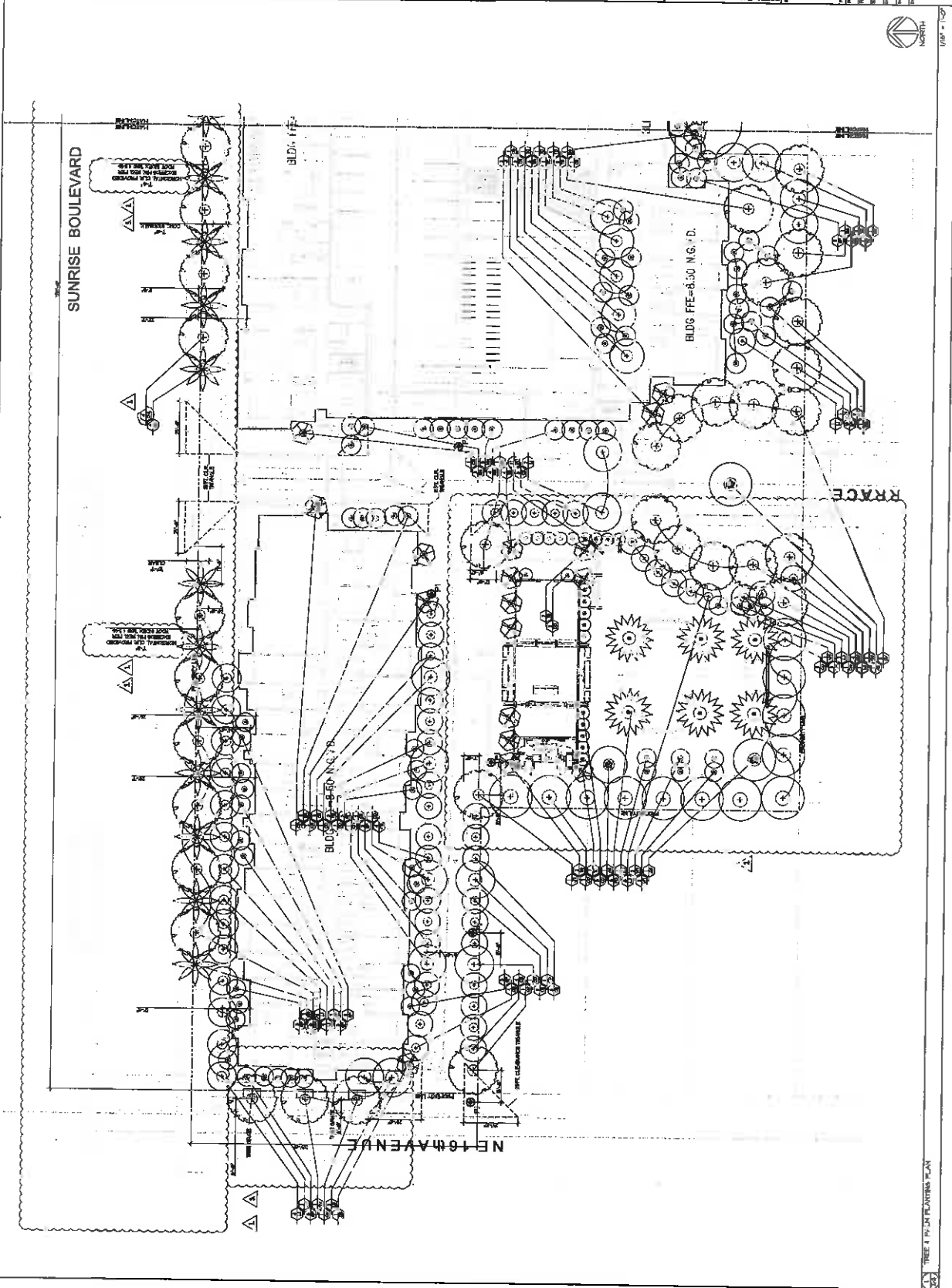


4.11.0
4/11/07



Passco Del Mar
1600 E. Sunrise Blvd., Fort Lauderdale, Florida
TREE & PALM PLANTING PLAN

NO.	DATE	DESCRIPTION
1	4/11/07	ISSUED FOR PERMITS
2	4/11/07	ISSUED FOR PERMITS
3	4/11/07	ISSUED FOR PERMITS
4	4/11/07	ISSUED FOR PERMITS
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9	4/11/07	ISSUED FOR PERMITS
10	4/11/07	ISSUED FOR PERMITS



- PLANT NOTES**
1. ALL PLANT ARE TO BE FURNISHED, GROWN OR SETTING.
 2. ALL PLANTS ARE TO BE APPROVED BY THE CITY OF PALM BEACH.
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