



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0078

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

FROM: Greg Chavarria, City Manager

DATE: February 6, 2024

TITLE: Motion Approving and Authorizing the Execution of 1) A Revocable License Agreement Between Fairfield OFP LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on SE 3rd Avenue in Association with the “One Financial Plaza Phase III Development” Project Located at 150 SE 3rd Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between Fairfield OFP LLC and the City of Fort Lauderdale – **(Commission District 4)**

Recommendation

Staff recommends the City Commission consider a motion approving and authorizing the execution of two separate agreements more specifically described below and in substantially the forms attached, for the installation and perpetual maintenance of public realm improvements on SE 3rd Avenue, in association with the “One Financial Plaza Phase III Development” project located at 150 SE 3rd Avenue. The agreements are, as follows: 1) A Revocable License Agreement (“RLA”) among Fairfield OFP LLC (“Developer”), Broward County and the City of Fort Lauderdale (“Tri-Party RLA”); and 2) An Agreement Ancillary to said Tri-Party RLA, between Fairfield OFP LLC and the City of Fort Lauderdale (“AARLA”).

Background

The subject project consists of 242 multi-family residential units and 13,289 square feet of retail/commercial uses with structured parking for 436 parking spaces. The site plan received City approval in December 2019 (DRC Case #R19022) and May 2021 (Administrative Review Case #UDP-A21030) for an 8-story (85-foot high) multiple-use building, with a total gross floor area of 400,035 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 OFP LLC, to install and perpetually maintain landscaping, pavers, pedestrian level light poles, and irrigation on the east side of SE 3rd Avenue (Right-of-Way Improvements). Since SE 3rd Avenue is under Broward County jurisdiction, the County is requiring execution of the Tri-Party RLA to ensure that the Right-of-Way Improvements are installed and maintained in compliance with minimum County engineering standards. 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 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 is a *FY 2024 Commission* Priority, advancing the Transportation and Traffic 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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