



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

**#14-0190**

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

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** March 18, 2014

**TITLE:** Motion to authorize execution of (1) Revocable License Agreement for landscape improvements between Broward County, City of Fort Lauderdale and The Dan Marino Foundation (“Developer”) and (2) Agreement Ancillary to Revocable License Agreement

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**Recommendation**

It is recommended that the City Commission authorize execution of (1) the Revocable License Agreement between the County, City and The Dan Marino Foundation (“Developer”) for landscape improvements in the County right-of-way (ROW) (**Exhibit 1**) and (2) the Agreement Ancillary to Revocable License Agreement (**Exhibit 2**).

**Background**

The Dan Marino Foundation final site plan was approved by the Development Review Committee on October 29, 2010 requiring landscaping in the ROW on Andrews Avenue. This practice was recently formalized as part our Complete Streets efforts approved by City Commission in October 2013. In order to implement these elements on County roadway, we are required to enter into a revocable license agreement between the City and County to maintain the ROW for the project.

The Revocable License Agreement calls for the City to be the functional equivalent of a guarantor of the Developer’s obligations under that instrument. To establish a means of recourse against the Developer the City Attorney’s Office is recommending that the Agreement Ancillary to Revocable License Agreement (**Exhibit 2**) be executed as a condition precedent to execution of the Revocable License Agreement. The Ancillary Agreement (**Exhibit 2**) provides conditions, procedures and penalties as against the Developer that are otherwise not provided for in the underlying Revocable License Agreement between the County, Developer and City.

**Resource Impact**

No fiscal impact at this time.

### **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: Integrate transportation land use and planning to create a walkable and bikeable community.
- Initiative 8: Adopt Complete Streets guidelines.

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

Attachments:

EX 1 County/City/Developer Revocable License Agreement

EX 2 Ancillary Agreement to Revocable License Agreement

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Prepared by: Diana Alarcon, Director, Transportation and Mobility Department

Director: Diana Alarcon, Transportation and Mobility Department