

09-LA.13-12/97

This instrument prepared under the direction of: *LM*
Laurice C. Mayes, Esq.
Legal Description prepared by:
Pete Diaz P.S.M. (04-21-15)
Document prepared by:
Diana Helmer (07-21-15)
Department of Transportation
Right of Way Production Services
3400 W. Commercial Boulevard
Ft. Lauderdale, Florida 33309

Parcel No. 912.1R
Item/Segment No. 4306011
Section: N/A
Managing District: 04
S.R. No. A-1-A
County: Broward

2015 OCT 16 PM 3: 38

CITY CLERK

LICENSE

This Agreement made the 30th day of September, 2015, between the CITY OF FORT LAUDERDALE, a municipality of the State of Florida, whose address is: 100 North Andrews Avenue, Ft. Lauderdale, Florida 33301, herein called licensor or CITY and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, herein called licensee or DEPARTMENT.

WHEREAS, City is the fee simple owner of real property located in Ft. Lauderdale, Florida, and more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter, "Property"); and

WHEREAS, the Property is the real property upon which Licensee proposes to improve sidewalk ramps, which improvements consist of sloping, grading, tying in, harmonizing and reconnecting existing features with Licensee's right of way (the "Project Improvements") ; and

WHEREAS, the parties agree that these Project Improvements are for the benefit of the public; and

WHEREAS, the City Commission of the City of Fort Lauderdale, by Motion, adopted on August 18, 2015, has authorized execution of this License by the proper City officials.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained in this License, and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the parties agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and are hereby ratified and confirmed and incorporated herein.
2. **License.** City grants a revocable, non-exclusive license in as-is condition in the Property until 12/31/2020.
3. **Property Obligations.** Licensee's contractors shall be responsible for any damage or injury incurred during its activities within the license area and shall be responsible for maintaining said area in a clean and safe condition. The City will be given prompt notice of any damage or injury occurring within the License area during the Department's work in the area.
4. **Insurance.** The Department will require its contractor to maintain insurance in the types and amounts as required by the most current Florida Department of Transportation Standard Specifications for Road and Bridge Construction manual.

8-18-15
CR-14

5. Notices. Any notices, demands, requests, or other communication with respect to this License shall be deemed to have been given if provided in writing and delivered, with return or acknowledged receipt, by certified U.S. mail or hand-delivered, to:

AS TO CITY: City Manager
 City of Fort Lauderdale
 P.O. Drawer 14250
 Fort Lauderdale, FL 33302-4250

With a copy to: City Attorney
 City of Fort Lauderdale
 P.O. Drawer 14250
 Fort Lauderdale, FL 33302-4250

AS TO DEPARTMENT: Florida Department of
 Transportation
 District 4 Office of Right of Way
 3400 W. Commercial Blvd.
 Fort Lauderdale, FL 33309-3421

With a copy to: Florida Department of
 Transportation
 District 4 Office of General
 Counsel
 3400 W. Commercial Blvd.
 Fort Lauderdale, FL 33309-3421

- 6. Records.** Each party shall maintain its own respective records and documents associated with this License and shall be responsible for compliance with any public records request upon it pursuant to Section 119.07 Florida Statutes.
- 7. Entire Agreement.** This document incorporates and includes all prior agreements and understandings applicable to the matters contained herein. The parties agree that any material changes or deviations from the terms of this License shall be in writing and executed by the parties.
- 8. Recording.** This License shall be recorded in the Public Records of Broward County, Florida.

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first written above.

WITNESSES:

CITY OF FORT LAUDERDALE

Jeanette A. Johnson
Jeanette A. Johnson
[Witness print or type name]

[Signature]
John P. "Jack" Seiler, Mayor

[Signature]
Donna M. Samuda
[Witness print or type name]

[Signature]
Lee R. Feldman, City Manager

ATTEST:

[Signature]
Jeffrey A. Modarelli, City Clerk

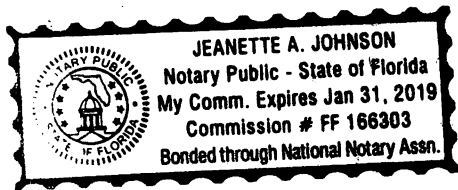
APPROVED AS TO FORM:

[Signature]
Lynn Solomon,
Assistant City Attorney

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 1st day of September, 2015, by John P. "Jack" Seiler, Mayor of the City of Fort Lauderdale, a municipal corporation of Florida. He is personally known to me and did not take an oath.

(Seal)

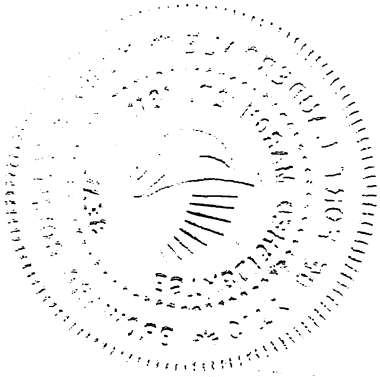


Jeanette A. Johnson
Notary Public, State of Florida
(Signature of Notary taking Acknowledgement)

Jeanette A. Johnson
Name of notary Typed, Printed, or Stamped

My commission Expires: 1/31/19

Commission Number FF 166303



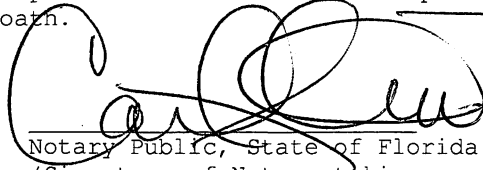
Bonded through National Policy Assn.
Commission # FF 168303
My Comm. Expires Jan 31 2016
JEANETTE A. JOHNSON
Public Policy - State of Florida



STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 31st day of Aug, 2015, by **Lee R. Feldman**, City Manager of the City of Fort Lauderdale, a municipal corporation of Florida. He is personally known to me and did not take an oath.

(Seal)



Notary Public, State of Florida
(Signature of Notary taking
Acknowledgement)

Carla Foster

Name of notary Typed, Printed,
or Stamped

My commission Expires:

Commission Number



CARLA A FOSTER
MY COMMISSION # EE 180757
EXPIRES: March 18, 2016
Bonded Thru Budget Notary Services

CARLA A. FOSTER
MY COMMISSION # EE 190787
EXPIRES: March 18, 2018
Budget: The Budget Agency & others



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EXHIBIT "A"

A portion of Block 1, A RESUBDIVISION OF HARBOR BEACH UNIT ONE, according to the plat thereof, as recorded in Plat Book 19, Page 10 of the Public Records of the Broward County, Florida, said portion being the same as Lot 1, Block 1, HARBOR BEACH SECTION ONE, according to the plat thereof as recorded in Plat Book 19, page 6 of the Public Records of Broward County, Florida, lying in Section 13, Township 50 South, Range 42 East; said portion extending no more than 5.00 feet southeast of the southeast existing Right of Way line of State Road A1A (Seabreeze Boulevard), between Baseline of Survey Stations 122+53.50 and 123+30.03, as shown on the Florida Department of Transportation Roadway Plan License Agreement sheet No. 6, Financial Project ID No. 430601-1-52-01.

AND

Portions of BAHIA MAR, according to the plat thereof, as recorded in Plat Book 35, Page 39 of the Public Records of the Broward County, Florida, lying in Section 12, Township 50 South, Range 42 East; said portions extending no more than 12.00 feet southeast of the southeast existing Right of Way line of State Road A1A (Seabreeze Boulevard), between Baseline of Survey Stations 129+30.91 and 129+57.67; extending no more than 72.00 feet westerly of Baseline of Survey between Stations 142+67.71 and 143+81.51, as shown on the Florida Department of Transportation Roadway Plan License Agreement sheets No. 7 and 8, Financial Project ID No. 430601-1-52-01.

AND

A portion of Block B, REAMENDED PLAT OF BLOCKS "A" AND "2" OF THE AMENDED PLAT OF LAS OLAS BY THE SEA, according to the plat thereof, as recorded in Plat Book 1, Page 16 of the Public Records of the Broward County, Florida, lying in Section 12, Township 50 South, Range 43 East; said portion extending no more than 52.00 feet westerly of the Baseline and Centerline of State Road A1A (Atlantic Boulevard), between Baseline and Centerline of Survey Stations 156+87.78 and 157+00.78, as shown on the Florida Department of Transportation Roadway Plan License Agreement sheet No. 9, Financial Project ID No. 430601-1-52-01.

AND

Portions of REAMENDED PLAT OF BLOKS "A" AND "2" OF THE AMENDED PLAT OF LAS OLAS BY THE SEA, according to the plat thereof, as recorded in Plat Book 1, Page 16 of the Public Records of the Broward County, Florida, lying in Section 12, Township 50 South, Range 43 East; a portion extending no more than 53.00 feet easterly of the Centerline of Survey of Seabreeze Boulevard between Stations 46+39.77 and 46+92.45, and a portion extending no more than 44.00 feet easterly of said Centerline between Stations 47+26.96 and 47+52.12, as shown on the Florida Department of Transportation Roadway Plan License Agreement sheet No. 10, Financial Project ID No. 430601-1-52-01.

AND

Portions of LAUDER DEL MAR, according to the plat thereof, as recorded in Plat Book 7, Page 30 of the Public Records of the Broward County, Florida, lying in Section 6, Township 50 South, Range 43 East; a portion extending no more than 66.00 feet easterly of the Baseline of Survey of State Road A1A (Atlantic Boulevard) between Stations 189+68.06 and 191+70.96; and a portion extending no more than 15.00 feet easterly of the easterly existing maintenance line of said State Road between Baseline of Survey Stations 192+91.05 and 193+71.36, as shown on the Florida Department of Transportation Roadway Plan License Agreement sheets No. 12 and 13, Financial Project ID No. 430601-1-52-01.

AND

A portion lying in Section 6, Township 50 South, Range 43 East Broward County, Florida; said portion extending no more than 18.00 feet east of the east existing Right of Way line of State Road A1A (Atlantic Boulevard), between Baseline of Survey Stations 200+23.19 and 200+35.89, as shown on the Florida Department of Transportation Roadway Plan License Agreement sheet No. 14, Financial Project ID No. 430601-1-52-01.

AND

Portions of Block A, BIRCH OCEAN FRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 19, Page 26 of the Public Records of the Broward County, Florida, lying in Section 6, Township 50 South, Range 43 East; a portion extending no more than 18.00 feet east of east existing Right of Way line of State Road A1A (Atlantic Boulevard) between Baseline of Survey Stations 201+26.94 and 201+36.95; and a portion extending no more than 15.00 feet east of said existing Right of Way line between Stations 204+44.71 and 205+28.18; and Stations 207+01.17 and 207+98.32, as shown on the Florida Department of Transportation Roadway Plan License Agreement sheets No. 14, 15 and 16, Financial Project ID No. 430601-1-52-01.

AND

Portions lying in Section 6, Township 50 South, Range 43 East Broward County, Florida; a portion extending no more than 23.00 feet between Baseline of Survey Stations 210+51.17 and 210+61.23; and, extending no more than 25.00 feet between Baseline of Survey Stations 211+33.00 and 211+63.00; and, extending no more than 15.00 feet between Baseline of Survey Stations 212+13.92 and 213+00.55, all portions lying east of the east existing Right of Way line of State Road A1A (Atlantic Boulevard), as shown on the Florida Department of Transportation Roadway Plan License Agreement sheets No. 17, Financial Project ID No. 430601-1-52-01.

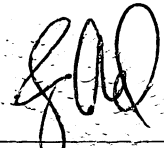
AND

A portion lying in Section 6, Township 50 South, Range 43 East Broward County, Florida; said portion extending no more than 16.00 feet east of the existing east Right of Way line of State Road A1A (Atlantic Boulevard), between Baseline of Survey Stations 214+69.63 and 215+67.27, as shown on the Florida Department of Transportation Roadway Plan License Agreement sheet No. 18, Financial Project ID No. 430601-1-52-01.


The premises may be occupied and used by licensee solely for removal of the sidewalk that is beyond the Existing Right of Way line and for sloping, grading, tying in, harmonizing and reconnecting existing features of the licensor's property with the highway improvements which are to be constructed together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the transportation project, but not later than the last day of December 2020.

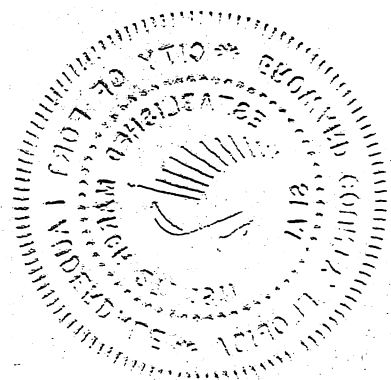
The making, execution and delivery of this agreement by licensor has been induced by no representations, statements, warranties, or agreements other than those contained herein. This agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the said licensor has signed and sealed these presents the day and year first above written.


ATTEST: _____
Print Name: Jeffrey A. Modarelli
Its City Clerk

CITY OF FORT LAUDERDALE


By: _____
Print Name: John P. "Jack" Seiler
Its Mayor



P (6) ✓ 9/3/15 #187L

DOCUMENT ROUTING FORM

NAME OF DOCUMENT: **RESOLUTION APPROVING A LICENSE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR RIGHT-OF-WAY ACCESS TO INTERSECTIONS OF STATE ROAD A1A AND SEABREEZE BOULEVARD - UPGRADES TO SIDEWALK RAMPS**

Approved Comm. Mtg. on: 8/18/2015 CAM #: 15-0946 ITEM #: CR-14

Routing Origin: CAO Also attached: copy of CAM Original Documents

1) **City Attorney's Office:** Approved as to Form # 6 Originals and Delivered to City Manager

Lynn Solomon 

2) **City Manager:** Please indicate if item is CIP Funded, sign where indicated, and forward 6 originals to Mayor.

CIP FUNDED YES NO
Capital Investment / Community Improvement Projects

Capital Investment / Community Improvement Projects defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, real.

3) **Mayor:** Please sign as indicated and forward 6 originals to Clerk for attestation and City seal.

INSTRUCTIONS TO CLERK'S OFFICE

4) **City Clerk:** ~~Retain one original and~~ forwards 6 original documents to: + 2 Certified Resolution No. 15-168
(Karen Mendrala, Transportation and Mobility)

Original Route form to 
Meredith Shuster, CAO

Once FDOT signs one original will be sent to the City Clerk and one to the City Attorney