



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

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

DATE: March 17, 2015

TITLE: Revocable License Agreement among the County, City and Andrews
Second Street, LLC and an Agreement Ancillary to Revocable License
Agreement for Improvements in the County Right of Way

Recommendation

It is recommended that the City Commission authorize the City Manager to execute (1) a Revocable License Agreement among the County, City and Andrews Second Street, LLC, (“Developer”) for installation of landscaping, pavers, and irrigation improvements in the County right-of-way (ROW) (Exhibit 1) and (2) an Agreement Ancillary to Revocable License Agreement (Exhibit 2).

Background

The Department of Sustainable Development is requiring Andrews Second Street, LLC to expand the sidewalk and plant new trees between the sidewalk and travel lanes to comply with the intent of the Downtown Master Plan. These improvements lie within the County ROW on Andrews Avenue.

This practice was recently approved as part of the City’s Complete Streets program. In order to implement Complete Street design features on a County roadway, the City is required to enter into a Revocable License Agreement with the County to ensure maintenance of the ROW improvements associated with the project.

The Revocable License Agreement calls for the City to act as the functional equivalent of a guarantor of the Developer’s obligations under that instrument. In order to establish a means of recourse against the Developer, the City Attorney’s Office recommends that the Agreement Ancillary to Revocable License Agreement be executed as a condition precedent to execution of the Revocable License Agreement. The Ancillary Agreement provides conditions, procedures and additional penalties for recourse against the Developer, that are otherwise not provided for in the underlying Revocable License Agreement between the County and City.

Resource Impact:

There is no fiscal impact to the City.

Strategic Connections:

This item is a *Press Play Fort Lauderdale Strategic Plan* initiative, included within the Business Development 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: Exhibit 1 – County/City/Developer Revocable License Agreement
Exhibit 2A – Agreement Ancillary to Revocable License Agreement Pt1
Exhibit 2B - Agreement Ancillary to Revocable License Agreement Pt2

Prepared by: Alex Scheffer, P.E., Urban Design Engineer

Department Director: Jenni Morejon, Sustainable Development Director