



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

#15-0765

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

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

DATE: June 2, 2015

TITLE: Resolution to Amend the Real Estate Purchase and Exchange Agreement
with All Aboard Florida Operations LLC and Florida East Coast Railway
LLC and Ratify the Agreement

RECOMMENDATION

It is recommended that the City Commission amend the existing Real Estate Purchase and Exchange Agreement (Exhibit 1) with All Aboard Florida Operations LLC and Florida East Coast Railway LLC collectively referred to as “AAF” and ratify the existing Agreement. The Amendment is substantially complete except for the revised legal descriptions which will be provided prior to execution of the Amendment.

BACKGROUND

At its March 17, 2015 meeting, the Commission authorized the City Manager to execute a Real Estate Purchase and Exchange Agreement with AAF to exchange City-owned property located at 101 North Andrews Avenue (referred to as the “Heliport site”) for one AAF-owned property located at 1801 SW 1st Avenue plus payment of \$500,000.00. The property at 1801 SW 1st Avenue will house the future Vehicle Maintenance Facility (VMF) for the Wave Streetcar and Fire Station No. 8.

During the due diligence period, the City and AAF met on several issues and agreed on changes to the agreement. These changes relate to the Uniform Relocation Act (URA), the survey/legal description of the 1801 SW 1st Avenue site, the petition to vacate the alleyway through the Heliport site, and acquisition of each property “as is” without representation or warranty from the conveying party.

Language was added to the URA section of the agreement to include the affiliates and subsidiaries of AAF.

After learning of an encroachment that currently exists on the northwest corner of the AAF site, the City and AAF agreed on removing the encroachment area from the parcel to be transferred. After confirming with Public Works Department that such removal will not have a negative impact on the design of Fire Station No. 8, the survey/legal description will be updated to reflect the change.

The City's obligation to file a petition to vacate the alleyway on the Heliport Site prior to closing is being amended recognizing that the City started the process and upon closing, AAF will be assigned all rights and responsibilities to finish the application process, including any costs related to relocation of any utilities.

Finally, language has been added that each party confirms and recognizes that property is being conveyed "as is" without any representation or warranty from either conveying party.

Resource Impact

No resource impact from this amendment.

Strategic Connections

This item is a Commission Annual Action Plan priority, included within the Management Agenda, advancing the All Aboard Florida project, the Wave Streetcar project, and the Downtown Walkability Program.

It is also 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:** Improve transportation options and reduce congestion by working with agency partners.
- **Initiative 3:** Work with partners to construct the Wave Streetcar, including the Transit-Oriented Development (TOD) ordinances and connections to airport, port, and rail stations.

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

Attachments:

Exhibit 1 – Executed Real Estate Purchase and Exchange Agreement with All Aboard Florida

Exhibit 2 – Amendment

Exhibit 3 – Resolution

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