



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

#20-0597

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: August 18, 2020

TITLE: Motion Authorizing Execution of 1) A Revocable License Agreement between LO3 Investors, LLC, The District Board of Trustees of Broward College, Broward County, and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on SE 3rd Avenue in Association with the “201 East Las Olas” Project Located at 201 East Las Olas Boulevard; and 2) An Agreement Ancillary to Revocable License Agreement, Between LO3 Investors, LLC, The District Board of Trustees of Broward College, and the City of Fort Lauderdale – **(Commission District 4)**

Recommendation

It is recommended that the City Commission consider a motion to authorize the execution of two separate agreements for the installation and perpetual maintenance of public realm improvements on SE 3rd Avenue, in association with the “201 East Las Olas” project located at 201 East Las Olas Boulevard, as follows: 1) A Revocable License Agreement (RLA) among LO3 Investors, LLC (“Developer”), The District Board of Trustees of Broward College, Broward County, and the City of Fort Lauderdale (“Tri-Party RLA”); and 2) An Agreement Ancillary to said Tri-Party RLA, between LO3 Investors, LLC, The District Board of Trustees of Broward College, and the City of Fort Lauderdale (“AARLA”).

Background

The subject development consists of a twenty-four story commercial office building with structured parking and ground floor retail that was issued site plan approval by the City in December 2017 (DRC Case #R17033). A location map is attached as Exhibit 1, and license area attached as Exhibit 2. As a condition of their site plan approval, the Developer needs to construct and maintain decorative pavers, sidewalks, lighting, landscaping, planters and other ancillary improvements within the SE 3rd Avenue right-of-way (“Right-of-Way Improvements”).

Since SE 3rd Avenue is under Broward County jurisdiction, the County is requiring execution of the Tri-Party RLA as a condition of their approval for the developer to install and maintain the improvements in their rights-of-way. The Tri-Party RLA places certain

obligations on the Developer/Licensee to ensure that the Right-of-Way Improvements are maintained to meet minimum County standards. 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 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.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – License Area

Exhibit 3 – Tri-Party RLA

Exhibit 4 – AARLA

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