



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

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

**DATE:** January 07, 2014

**TITLE:** Motion to Authorize the City Manager to countersign Utility Easement and Future Relocation Letter of October 2, 2013 to the Florida East Coast Industries, Inc. agreeing, among other matters, to absorb FPL's future cost of relocation of utilities.

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**Recommendation**

It is recommended that the City Commission authorize the City Manager to countersign Florida East Coast Industries, Inc. (FECI) October 2, 2013 utility easement and future relocation letter ("Letter") (attached as EXHIBIT 1) to the Florida East Coast Industries (FECI), Inc. relative to the All Aboard Florida rail project.

**Background**

As part of the All Aboard Florida rail project with stations planned in Fort Lauderdale, Orlando, West Palm Beach, and Miami, the FECI will be purchasing a property owned by Florida Power and Light Company (FPL) with the intent to dedicate a portion of the property to the City of Fort Lauderdale for right-of-way for the construction of a by-pass road.

As explained more fully in the attached Memorandum (Exhibit "2") by counter-signing the Letter, the City agrees that any future City right-of-way easements would be subordinate and inferior to FPL's utility easement. Further in the event conflicts arise between the future right-of-way needs and the location of the FPL facilities within the utility easement, the City would be responsible for the relocation costs of such facilities, including the cost of acquiring replacement easements.

The existing rail crossing at NW 2<sup>nd</sup> Street will be permanently closed as part of the construction of the All Aboard Florida station. To mitigate this, the FECI (with 50% funding provided through a Federal Economic Development Administration grant the City has applied for) will be constructing a new street (which will be deeded to the City) between NW 2<sup>nd</sup> and 4<sup>th</sup> Street on said property, necessitating the need for this letter. Access is critical and Transportation and Mobility staff is in support of signing the letter.

### **Resource Impact**

There is no resource impact at this time. However, in the event the City requests relocation of utilities, there will be a cost to the City.

### **Strategic Connections**

This item is a Commission Annual Action Plan priority, included within the Management Agenda, advancing the All Aboard Florida project.

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.

Related CAMs: None

Attachment:

Exhibit 1 – FECI Utility Easement and Utility Relocation Letter

Exhibit 2 – Memorandum regarding allocation of relocation costs

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Prepared by: Elizabeth Van Zandt, Mobility Manager

Department Director: Diana Alarcon