



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
Regular Meeting

#13-0286

TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Lee Feldman, City Manager

DATE: February 19, 2013

TITLE: Motion to authorize execution of a Revocable License with Pearl Flagler Village, LLC for the temporary closures of the public rights-of-way on NE 5 Avenue and NE 5 Street in association with the construction of The Pearl at Flagler Village development program.

Recommendation

It is recommended that the City Commission approve a motion authorizing execution of a Revocable License with Pearl Flagler Village, LLC in substantially the form provided, for the temporary closures of the eastern half of the NE 5 Avenue right-of-way between NE 4 Street and NE 5 Street and the full closure of the NE 5 Street right-of-way between NE 5 Avenue and North Federal Highway, in the interest of public safety and to facilitate the construction of The Pearl at Flagler Village development program.

Background

On September 5, 2012 the City Commission adopted Resolution No. 12-153 approving the development permit for The Pearl at Flagler Village that consists of 331 residential units with a roof height of approximately 90 feet. A Project Location Map is attached as **Exhibit 1**.

Purpose of Revocable License

The development permit requires the installation of an 8" water main, curbing, on-street public parking spaces, a stormwater exfiltration system, landscaping and minor utility work within the public rights-of-way. The purpose of the Revocable License would be to facilitate public safety during the construction of those improvements as well as the on-site building improvements in proximity to the rights-of-way. The proposed limits of the street closures (License Area) on NE 5 Avenue and NE 5 Street are shown in **Exhibit 2**.

Traffic Modification Plan

A Traffic Modification Plan (TMP) has been provided by the applicant (attached as **Exhibit 3**). Travel in the northbound direction would be closed on NE 5 Avenue for a period not to exceed 12 months (travel in the southbound direction would be maintained); and, travel in both directions would be closed on NE 5 Street for a period not to exceed 18 months. At this time it is anticipated that the License Area on NE 5 Street would be enclosed by a fence, with secured gates at the east and west ends. Traffic circulation around the traffic circle at the intersection of NE 5 Street and NE 5 Avenue would be maintained. The

Revocable License would provide the City Manager the ability to extend the closures for two 90-day periods. No significant impacts are anticipated for pedestrian traffic and signage will be provided to direct pedestrians to safe routes away from the construction areas.

Revocable License Conditions

The Property and Right-of-Way Committee (PROW) reviewed the proposed closures on December 20, 2012 and gave a favorable recommendation, subject to the conditions in the Revocable License.

In addition to the standard insurance and indemnification provisions, the Revocable License would require the Developer to:

- 1) Provide liability insurance and indemnify the City of Fort Lauderdale in the event there is a claim associated with the License Area
- 2) Restore the right-of-way and remove the lane closures if there is a conflict with a higher municipal/public purpose
- 3) Mill and resurface the license areas at the end of the project
- 4) Provide access to emergency and public service personnel at the gated entrances to the NE 5 Street License Area
- 5) Allow access and use of the gated NE 5 Street License Area to the development project to the north (RD Flagler Village), which is anticipated to start construction while this project is in progress. Should RD Flagler Village need to continue the closure on NE 5 Street after the Pearl is completed then a new Revocable License would be drafted for Commission approval prior to the termination of this Revocable License

The applicant has reached out to the property owners that would potentially be affected by the temporary closures and has made good faith efforts to accommodate all requests and provide reasonable access to their properties.

A copy of the Revocable License is attached as **Exhibit 4**.

Resource Impact

There is no fiscal impact to the City.

Attachment

- Exhibit 1 - Location Map
- Exhibit 2 – Limits of License Area/Street Closure
- Exhibit 3 - Traffic Modification Plan
- Exhibit 4 - Revocable License

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