



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0938

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

FROM: Susan Grant, Acting City Manager

DATE: October 15, 2024

TITLE: Motion Approving and Authorizing the Execution of an Amendment to the
Lease Agreement with the Florida Department of Transportation for Right-
of-Way Land Above the Henry E. Kinney Tunnel - (**Commission District
4**)

Recommendation

Staff recommends the City Commission consider a motion approving and authorizing the execution of an amendment to the Lease Agreement between the Florida Department of Transportation (FDOT) and the City for the right-of-way land (leased area) above the Henry E. Kinney Tunnel for the newly constructed Henry E. Kinney Tunnel Top Pedestrian Plaza (Tunnel Top Park), in substantially the form attached.

Background

On January 12, 1999, FDOT and the City entered into a twenty (20) year lease agreement for the purpose of establishing a linear park above the Henry E. Kinney Tunnel. The Leased Area included the Laura Ward Riverwalk Plaza and a portion of SE 6th Avenue.

On May 23, 2002, as part of a grant-funded improvement project, the FDOT extended the lease agreement with the City for a forty (40) year term, beginning on January 12, 1999, and ending on January 11, 2039, with an option to extend for one additional forty (40) year term.

In 2014, the City and FDOT agreed to integrate a park into the FDOT's impending rehabilitation project of the Henry E. Kinney Tunnel. The Henry E. Kinney Tunnel rehabilitation and Tunnel Top Park included a pedestrian plaza structure, raising of the intersection of Las Olas Boulevard and SE 6th Avenue, reconstruction of the north ventilation building, and landscape and hardscape of the leased area.

An Addendum to the Lease between the City of Fort Lauderdale and The State of Florida Department of Transportation dated January 12, 1999, was executed further detailing the Lessee responsibilities for the New River Tunnel.

On November 2, 2021, prior to the construction of Tunnel Top Park began, the City approved an amendment to the existing lease agreement to restrict public access, close off the leased area while construction was active, reduce the footprint of the leased area by 1,500 feet, but this amendment was never signed by FDOT.

Given the completion of the Henry E. Kinney Tunnel Top Park, the FDOT and the City must amend the lease agreement to include the new constructed area and to reduce the footprint of the leased premises.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Public Places Focus Area, Goal 5: Build a beautiful and welcoming community

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

This item supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation, & Open Spaces Element
- Goal1: Be a community where persons of all ages area able to partake in a fun and healthy lifestyle

Attachments

Exhibit 1 – 1999 Public Purpose Lease Agreement

Exhibit 2 – 2002 Amendment to Lease Agreement

Exhibit 3 – 2002 Addendum

Exhibit 4 – 2021 Amendment to Public Purpose Lease Agreement

Exhibit 5 – Amendment of Lease

Exhibit 6 – Leased Area

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