



RUSH 1C

SECTION 1 | SUMMARY INFORMATION

Date: 7/23/2025

☒ Agenda Item ☐ Commission Memo ☐ Letter (to external agency) ☐ Other DocumentDocument Title/Purpose: Four-year Term Renewal of Use and Occupancy Agreement with the Florida Department of Transportation (FDOT) for the Temporary Lease of an Open Space Area on the West

Side of Riverside Park to Serve as a Dog Recreational Area and Authorize the Execution of an Annual Use Agreement Compliance Form During the Term of the Agreement

Commission Meeting Date: 06/30/2025 CAM #: 25-0634 Item #: CR-2

CAM attached: ☒ Yes ☐ No Action Summary Attached: ☒ Yes ☐ No CIP FUNDED: ☐ Yes ☐ No

Community Investment Plan (CIP) Project defined as having a life of at least 10 years and a cost of at least \$100,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement. Term "real property" includes land, real estate, realty, or real.

SECTION 2 | REQUESTOR (CHARTER OFFICE/DEPARTMENT)

Charter Office: CAO Router Name: Stephanie S Ext: 5001

Department: PARKS Router Name: E. Sanchez Ext: 5129

Department Approval (Director/Chief): Name: Init.: Date:

*Return Document To: Department: Ext:

*REMINDER: Once review and signature at the last level of government (Federal, State, County) is complete, scan the final record copy and send to the City Clerk's Office.

Scan Date: Attach Certified Resolution #: Original form route to CAO: ☐ Yes ☐ No

THE FOLLOWING SECTIONS ARE FOR CHARTER OFFICE USE ONLY

SECTION 3 | CITY ATTORNEY'S OFFICE (CAO): CAO signed/routed Required ☒ Yes ☐ NoIs the attached Granicus document final? ☒ Yes ☐ No Number of Originals Attached: 1Attorney's Name: Patricia SaintVil-Joseph Approved as to Form: ☒ Yes ☐ No Initials: [Signature]

Route to: Finance (if applicable) Date: Route to: CCO Date:

SECTION 4 | CITY CLERK'S OFFICE (CCO)

City Clerk Office Receive and Scan Date: Number of Originals: 1

Route to CMO Date: 07/23/25 Route to Mayor Date:

SECTION 5 | CITY MANAGER'S OFFICE (CMO)

LOG #: JUL 91 Date Received: 7/24/25 Received From: CLO

To CM/ACM: ☐ R. Williams ☐ C. Cooper ☐ Y. Matthews ☒ B. Rogers

Approved Init.: [Signature] 07.24.25 for continuous routing to Rickelle Williams, City Manager/Executive Director

Disapproved: Comments:

Executive Assistant Route to CCO Date: 7/25/25

RENEWAL OF USE AND OCCUPANCY AGREEMENT

The lease between the State of Florida Department of Transportation, **Lessor**, and The City of Fort Lauderdale a municipal corporation of the State of Florida, **Lessee**, originally entered into on March 10, 2021 for a period of four (4) years, is hereby renewed on this date, _____, pursuant to Paragraph 1 of said original Lease Agreement dated March 10, 2021 for an additional four (4) year period beginning on March 10, 2025 and ending on March 9, 2029 subject to the following revision(s):

1. Lessee agrees to execute and deliver the "Exhibit C – Annual Use Agreement Compliance Form" are hereby incorporated into this agreement.
2. If the requirements set forth in "Exhibit C – Annual Use Agreement Form" are not met Lessee agrees to forego any notice and termination of this agreement will be immediate.
3. Lessee acknowledges that Lessor has an upcoming project in which the leased premises will be utilized for drainage and other roadway purposes. Any use of the property is temporary and is subject to Lessor's project schedule. While the construction is anticipated to begin in 2028, the date is subject to change.

All other provisions, terms, and conditions of the original Lease Agreement shall remain in full force and effect.


IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first written above.

The City of Fort Lauderdale, a municipal corporation of the State of Florida (LESSEE)

ATTEST:

CITY OF FORT LAUDERDALE,
a Florida municipal corporation.


DAVID R. SOLOMAN

 City Clerk




RICKELLE WILLIAMS

City Manager

Approved as to form and correctness:

D'WAYNE M. SPENCE, Interim City Attorney


PATRICIA SAINTVIL-JOSEPH
Assistant City Attorney

[DEPARTMENT SIGNATURES ON THE FOLLOWING PAGE]

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION (LESSOR)

By: _____

Date: _____

Name: Steven C. Braun, P.E.

Title: District 4 Secretary

ATTEST:

Signature (Seal)

Name: Madeleine Young

APPROVED AS TO FORM:

Signature

Name: Elizabeth Quintana

Title: Senior Attorney

Exhibit C

Annual Use Agreement Compliance Form

Effective ____, ____, 2026

Parcel: 170 (part) - Excess Parcel:

This form shall be signed by both the Lessee (City of Fort Lauderdale) and Lessor (Florida Department of Transportation) 50 days prior to the anniversary of the effective date of the Use and Occupancy Agreement (Use Agreement), dated ____, ____, _____. If both parties fail to execute this form prior to 50 days before the anniversary of the effective date, the Use Agreement shall automatically be terminated on the anniversary of the effective date.

This Annual Use Agreement Compliance Form shall serve as the 30-day notice for termination for the entire term of the Agreement. For clarification purposes, a 30-day termination letter will not be sent to the Lessee if it fails to execute this form 50 days before the anniversary of the effective date. It is the Lessee's responsibility to track that this form is executed in its entirety.

It is the responsibility of the Lessee to submit the partially executed form to the Lessor 50 days prior to the anniversary of the effective date.

If the above requirements are not met, Lessee agrees to forego any notice and termination will be immediate.

Lessee acknowledges that the Lessor has an upcoming project in which the leased premises will be utilized for drainage and other roadway purposes. Any use of the property is temporary and is subject to the Lessor's project schedule. While the construction is anticipated to begin in 2028, the date is subject to change.

Any improvements installed by the Lessee will be removed and destroyed as part of the project. It will be the Lessee's responsibility to remove any improvements it wishes to retain prior to the termination of this lease.

(Signatures included on the following page)

Exhibit C

Annual Use Agreement Compliance Form

Effective ____, ____, 2026

Parcel: 170 (part) - Excess Parcel:

City of Fort Lauderdale

a Florida municipal corporation.



RICKELLE WILLIAMS

City Manager

ATTEST:




DAVID R. SOLOMAN

City Clerk



Approved as to form and correctness:

D'WAYNE M. SPENCE, Interim City Attorney



PATRICIA SAINTVIL-JOSEPH

Assistant City Attorney

Florida Department of Transportation

Signature: _____

Name/title: _____

FDOT Design Project Manager

By signature below, this property is acceptable to be leased for additional year and will not have any impact on the Broward Boulevard @ I95 interchange project.

Signature: _____

Name: _____

FDOT Property Management

By signature below, this property has been inspected and is in compliance of the terms of the agreement. Specifically, the required sign is in place and visible.

Signature: _____

Name/title: _____



RESOLUTION NO. 25-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A FOUR-YEAR TERM RENEWAL OF THE USE AND OCCUPANCY AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE TEMPORARY LEASE OF AN OPEN SPACE AREA LOCATED ON THE WEST SIDE OF RIVERSIDE PARK TO SERVE AS A DOG RECREATIONAL AREA AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE USE AND OCCUPANCY AGREEMENT, THE ANNUAL USE AGREEMENT COMPLIANCE FORM DURING THE TERM OF THE AGREEMENT, AND ALL OTHER DOCUMENTS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City of Fort Lauderdale ("City") residents have expressed the desire to use a right of way in the City, specifically identified as an open space area located on the west side of the Riverside Park neighborhood located west of SW 20th Avenue between SW 2nd Street and SW 4th Street, in the City of Fort Lauderdale ("Open Space Area"), as a dog friendly recreational area; and

WHEREAS, the Florida Department of Transportation (FDOT) is the title owner of the Open Space Area and has agreed to lease the Open Space to the City at no cost, for the public purpose of a temporary dog-friendly recreational area; and

WHEREAS, FDOT requires any use of airspace above or below the established grade line within the approved right of way limits on a Federal Aid System, to be accomplished pursuant to a Right of Way Use and Occupancy Agreement and an Annual Use Agreement Compliance form during the term of the Use and Occupancy Agreement; and

WHEREAS, on February 16, 2021, the City Commission adopted a resolution authorizing the City Manager to execute a Use and Occupancy Agreement with FDOT for the temporary lease of the Open Space Area and the Annual Use Agreement Compliance Form during the term of the Agreement (CAM #21-0142); and

WHEREAS, the City and FDOT entered into a Use and Occupancy Agreement dated March 10, 2021, for the temporary lease of the Open Space Area for a period of four (4) years, with one option to renew said Agreement for an additional 4 years, with the City's

commitment to execute an Annual Use Agreement Compliance Form during the term of the Agreement; and

WHEREAS, during the initial 4-year term, the City added fencing, benches, water fountains, and trash cans to the leased area and maintains said area, which includes mowing and trash collections; and

WHEREAS, the City and FDOT desire to renew the Use and Occupancy Agreement for an additional term of 4 years and execute the Annual Use Agreement Compliance Form during the term of the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the recitals set forth above are hereby incorporated in this Resolution.

SECTION 2. That the City Commission of the City of Fort Lauderdale hereby approves a four-year term renewal of the Use and Occupancy Agreement between the City and FDOT for the temporary lease of a right of way, specifically identified as an open space area on the west side of the Riverside Park which is located west of SW 20th Avenue between SW 2nd Street and SW 4th Street, in the City of Fort Lauderdale, which shall serve as a dog recreational area and authorizes the City Manager or designee to execute the Use and Occupancy Agreement, the Annual Use Agreement Compliance form during the term of the Use and Occupancy Agreement, and all other documents necessary and incidental thereto.

SECTION 3. That the office of the City Attorney shall review and approve as to form all documents prior to their execution by the City Manager.

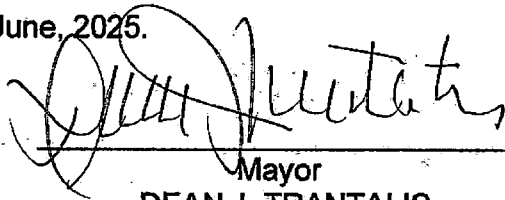
SECTION 4. That the City Attorney is authorized to correct any non-substantive scrivener's errors in this Resolution without the need for a public hearing.

SECTION 5. That if any clause, section or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby but shall remain in full force and effect.

SECTION 6. That all resolutions or part(s) of resolutions in conflict herewith are hereby repealed to the extent of such conflict.


SECTION 7. That this Resolution shall be in full force and effect upon final adoption.

ADOPTED this 30th day of June, 2025.



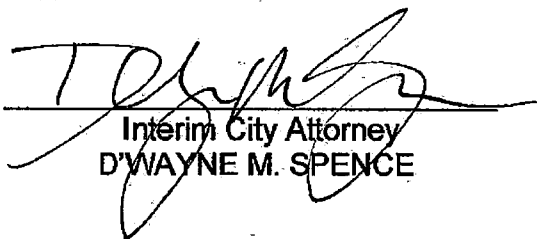
Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:



Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis	<u>Yea</u>
John C. Herbst	<u>Not Present</u>
Steven Glassman	<u>Yea</u>
Pamela Beasley-Pittman	<u>Yea</u>
Ben Sorensen	<u>Yea</u>