

RESOLUTION NO. 25-

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 _____ day of _____, 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 _____
John C. Herbst _____
Steven Glassman _____
Pamela Beasley-Pittman _____
Ben Sorensen _____