



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

FROM: Cynthia A. Everett, City Attorney

DATE: March 4, 2014

TITLE: Motion authorizing execution of the Joinder and Consent to Declaration of Restrictive Covenants for the benefit of Broward County regarding the development known as Riverbend Marketplace.

Recommendation

It is recommended that the City Commission consider authorizing the appropriate city official to execute a Joinder and Consent to Declaration of Restrictive Covenants for the benefit of Broward County regarding a Broward County Comprehensive Plan amendment associated with the development known as Riverbend Marketplace.

Background

City of Fort Lauderdale ("City") is owner of a 5,519 square foot or .126 acre parcel of land, legally described as Lot 23, less the East 4 feet, in Block 15, of Woodland Park, UNIT ONE, as recorded in Plat Book 10, Page 64 of the Public Records of Broward County, Florida, and included in a proposal by GDC Broward RB, LLC to develop a new commercial shopping center on the southeast corner of SW 27th Avenue and West Broward Boulevard, more particularly described in Exhibit 1. The shopping center site plan was reviewed by the Development Review Committee (DRC) on October 22, 2013. As part of a separate but associated request, the applicant submitted an application to amend the Future Land Use Maps of the City of Fort Lauderdale and Broward County, to change the land use designation on the subject site from Medium-High Residential to Commercial. The City Commission reviewed the land use plan amendments on first reading at the January 8, 2013, meeting and approved the item on second reading on December 17, 2013, by a vote of 5-0. The Broward County Board of County Commissioners enacted Ordinance 2014-01 attached hereto as Exhibit 2, on January 28, 2014, adopting the amendment with the effective date being the date of recordation of the Declaration of Restriction Covenants attached hereto as Exhibit 3.

As owner of a property subject to the amendment the City is asked to execute a joinder and consent to the declaration of restrictive covenants. The execution of the attached joinder and consent shall restrict the City owned parcel as summarized below:

The parcel owners will mitigate traffic impacts of the Land Use Amendment by:

- a) A proportionate share contribution of \$144,146.00 for improvements to the County's Signal Engineering Improvements on Broward Boulevard between SW 31st Avenue and I-95.
- b) Designing and obtaining all necessary permits and constructing an exclusive northbound right turn lane on Riverland Road between SW 13 Street and Davie Boulevard, prior to the issuance of a certificate of occupancy for any use within the property. This improvement must include installation of type F curb and gutter and a 6-foot wide sidewalk. The cost estimate for this improvement is \$83,726.00.
- c) Restructuring vehicular access to and from the Property along SW 24th Avenue shall be limited to right in and left out only.
- d) Payment of any applicable transit/transportation concurrency fees in effect at the time construction plans are submitted to County.

Pursuant to the terms of the Land Swap Agreement approved by the City Commission at its January 22, 2014 meeting, the City is transferring ownership of the parcel to GDC Broward RB, LLC in exchange for a parcel currently owned by the developer, as well as the construction and maintenance of certain improvements on that parcel. The covenants, restrictions and regulations of the Declaration of Restrictive Covenants will run with the property and will be binding upon GDC Broward RB, LLC at the consummation of the land swap transaction. In abundance of caution GDC Broward RB, LLC has agreed to hold the City harmless and will be responsible for all obligations affecting the City's parcel as set forth in the Declaration. See Exhibit 4.

Resource Impact

There is anticipated to be no fiscal impact associated with this action upon the transfer of the subject property.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Neighborhood Enhancement Cylinder of Excellence**, specifically advancing:

- **Goal 6:** Be an inclusive community made up of distinct, complementary and diverse neighborhoods.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Community*.

Related CAMs: None

Attachments

Exhibit 1 - Legal Description

Exhibit 2 - Broward County Ordinance No. 2014-01

Exhibit 3 - Joinder and Consent to Declaration of Restrictive Covenants

Exhibit 4 - GDC Broward RB, LLC letter

Prepared by: D'Wayne M. Spence, Assistant City Attorney

Cynthia A. Everett, City Attorney