

DOCUMENT ROUTING FORM

p4 ✓ *12/16/13* (D)

NAME OF DOCUMENT: **SECOND AMENDMENT TO INCLUSIVE MEMORANDUM OF AGREEMENT WITH FDOT FOR LANDSCAPE IMPROVEMENTS**

Approved Comm. Mtg. on **DECEMBER 3, 2013** CAM# **13-1416** ITEM: **CR-9**

Routing Origin: CAO

Attached: copy of CAR copy of document ACM Form 3 originals

On 12/4/13, Linda B. forwarded to: **SHARON DREESEN, TRANSPORTATION & MOBILITY**

1.) Approved as to Content: *DWT*
Department Director **12-5-2013**

Capital Improvements defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, fixtures) that add value and/or extend useful life, inc. major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, real.

Please Check the proper box: CIP FUNDED YES NO
Capital Improvement Projects

2.) Approved as to Funds Available: by *[Signature]* Date: *12.6.13*
Finance Director

No fiscal impact at this time.

Amount Required by Contract/Agreement \$ _____ Funding Source: _____

Dept./Div. _____ Index/Sub-object _____ Project # _____

3.) City Attorney's Office: Approved as to Form: 4 Originals of each to City Mgr. By: **CARRIE SARVER**

Carrie Sarver *[Signature]*

4.) Approved as to content: Assistant City Manager:

By: _____ By: _____
Stanley Hawthorne, Assistant City Manager Susanne Torriente, Assistant City Manager

5.) City Manager: Please sign as indicated and forward 4 originals of each to Mayor.

6.) Mayor: Please sign as indicated and forward 4 originals of each to Clerk.

7.) To City Clerk for attestation and City seal.

INSTRUCTIONS TO CLERK'S OFFICE

8.) City Clerk: retains one copy of document and forwards 4 original documents of each to:

SHARON DREESEN, TRANSPORTATION & MOBILITY

Attach *3* certified copies of Reso. # *225* Fill-in date

Original Route form to Linda Blanco, CAO

2013 DEC 10 AM 10:00
CITY MANAGER

12/13

T + M



Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309-3421

ANATH PRASAD, P.E.
SECRETARY

January 7, 2013

Ms. Diana Alarcon, Director
Transportation & Mobility Department
City of Fort Lauderdale
290 N.E. 3rd Avenue
Fort Lauderdale, Florida 33301

Dear Ms. Alarcon:

RE: District Four (4) Amendment Number Two (2) City of Fort Lauderdale Landscape Inclusive Maintenance Memorandum of Agreement (MMOA) for State Road 838 (Sunrise Boulevard) from 100' west of N.E. 16th Avenue (M.P. 6.3566) to 150' west of N.E. 17th Avenue (M.P. 6.4858). Permit Number 13L-491-0010.

Enclosed please find one (1) original executed District Four (4) Amendment Number Two (2) Landscape Inclusive Maintenance Memorandum of Agreement (MMOA) for State Road 838 (Sunrise Boulevard) from 100' west of N.E. 16th Avenue (M.P. 6.3566) to 150' west of N.E. 17th Avenue (M.P. 6.4858). These landscape improvements are for Permit Number 13L-491-0010 and located in the City of Fort Lauderdale.

If you have any questions or need further information, please contact me at (954) 777-4219.

Sincerely,

A handwritten signature in blue ink that reads "Elisabeth A. Hassett".

Elisabeth A. Hassett, R.L.A.
District Landscape Architect

Enclosure
CC: S. Williams, FDOT Permits
File

SECTION NO: 860005
S.R. NO.(S): 838
COUNTY: Broward
PERMIT NO.(S): 13-A-491-0010

**DISTRICT FOUR (4) AMENDMENT NUMBER TWO (2)
TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND
CITY OF FORT LAUDERDALE LANDSCAPE
INCLUSIVE MEMORANDUM OF AGREEMENT**

This is Amendment Number Two (2) to the Agreement dated December 12, 2007, made and entered into this 3rd day of January 2014 by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT and the **City of Fort Lauderdale**, a municipal subdivision of the State of Florida, hereinafter called the AGENCY.

WHEREAS, the parties entered into the Inclusive Maintenance of Agreement dated, December 12, 2007 for the purpose of maintaining the landscape improvements by the AGENCY on various roads including State Road 838 (Sunrise Boulevard) and;

WHEREAS, the DEPARTMENT and the AGENCY have agreed to allow the adjacent property owner to add additional landscape improvements to be installed on State Road 838 (Sunrise Boulevard) in accordance with the above referenced Agreement;

WHEREAS, the AGENCY by Resolution No. 13-225 dated Dec. 17, 2013, attached hereto and by this reference made a part hereof, desires to enter into this Agreement and authorized its officers to do so;

NOW THEREFORE, for and in consideration of mutual benefits that flow each to the other, the parties covenant and agree as follows:

1. The DEPARTMENT shall modify the Inclusive Agreement dated December 12, 2007 by adding the following provision:

ADJACENT PROPERTY OWNER IMPROVEMENTS

The DEPARTMENT may allow an adjacent property owner to construct additional landscape improvements within the limits of the right of way identified in Exhibit A of this document that the AGENCY shall be responsible for maintaining under this agreement subject to the following conditions:

- (a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT and shall require a valid permit attached with a letter of consent to said plans by the AGENCY. The plans shall not be changed or deviated from without written approval by the DEPARTMENT and the AGENCY.

- (b) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.
 - (c) The AGENCY agrees to comply with the requirements of the Agreement with regard to any additional landscape improvements installed by an adjacent owner.
 - (d) If the Adjacent Property Owner's landscape improvements include additional maintenance requirements, the DEPARTMENT and the AGENCY shall agree in writing and require signature from the responsible AGENCY'S *City Manager or designee approval signature*, and the DEPARTMENT shall enter into an Agreement Amendment describing the additional requirements.
2. Pursuant to the provision added in Section 1 of this amendment the AGENCY has agreed to allow the Adjacent Property Owner, Paseo Del Mar to construct additional landscape improvements or to modify an improvement located as indicated in **Exhibit A** State Road 838 (Sunrise Boulevard) from 100 feet west of N.E. 16th Avenue (M.P. 6.3566) to 150 feet west of N.E. 17th Avenue (M.P. 6.4858) in accordance with the plans attached as **Exhibit B**.
 3. The AGENCY shall agree to maintain the landscape improvements in the Inclusive Agreement described above and as provided in accordance with the Maintenance Plan, **Exhibit F** of the original agreement.

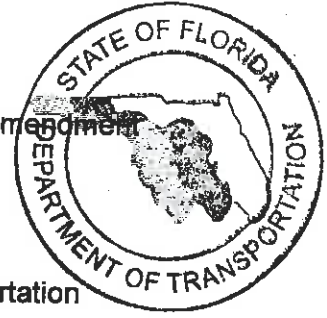
Except as modified by this amendment, all terms and conditions of the original Agreement and all amendments there to shall remain in full force and effect.

Exhibits

Exhibit A - Landscape Improvements Limits and Maintenance Boundaries and Location Map

Exhibit B - Landscape Improvement Plans

In Witness whereof, the parties hereto have executed with this Amendment effective the 3rd day January year written and approved.



City of Fort Lauderdale
a municipal corporation

State of Florida
Department of Transportation

By: _____
Chairperson/Mayor/Manager

By: Stacy Hill
Director of Transportation Development

See Attached
City Signature Page

Attest: _____ (SEAL)
Clerk

Attest: Ryn Lewis (SEAL)
Executive Secretary

Legal Review

Attorney Date

Legal Review
David Radwan 1/2/2014
Office of the General Counsel Date

IN WITNESS OF THE FOREGOING, the parties have set their hands and seals the day and year first above written.


CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida:

By 
JOHN P. "JACK" SEILER, Mayor

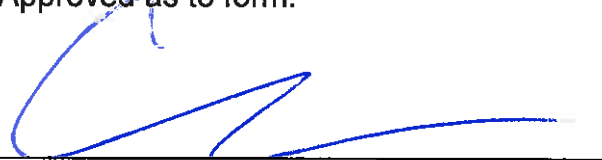
By 
LEE R. FELDMAN, City Manager

(CORPORATE SEAL)

ATTEST:


JONDA K. JOSEPH, City Clerk

Approved as to form:


CARRIE L. SARVER
Assistant City Attorney

SECTION NO: 860005
S.R. NO.(S): 838
COUNTY: Broward
PERMIT NO.(S): 13-A-491-0010

EXHIBIT A

**LANDSCAPE IMPROVEMENTS LIMITS AND MAINTENANCE
BOUNDARIES AND LOCATION MAP**

I. LANDSCAPE PROJECT LOCATION:

**State Road 838 (Sunrise Boulevard) from 100 feet west of N.E. 16th Avenue
(M.P. 6.3566) to 150 feet west of N.E. 17th Avenue (M.P. 6.4858)**

**II. INCLUSIVE LIMITS OF LANDSCAPE IMPROVEMENTS MAINTENANCE FOR
State Road 838 (Sunrise Boulevard):**

**State Road 838 (Sunrise Boulevard) Section 86110000
M.P. 5.789 (east of N.W. 24th Avenue) to M.P. 8.161 (State Road 5/US 1)
Entire right of way**

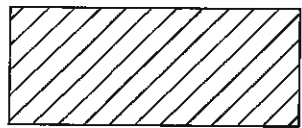
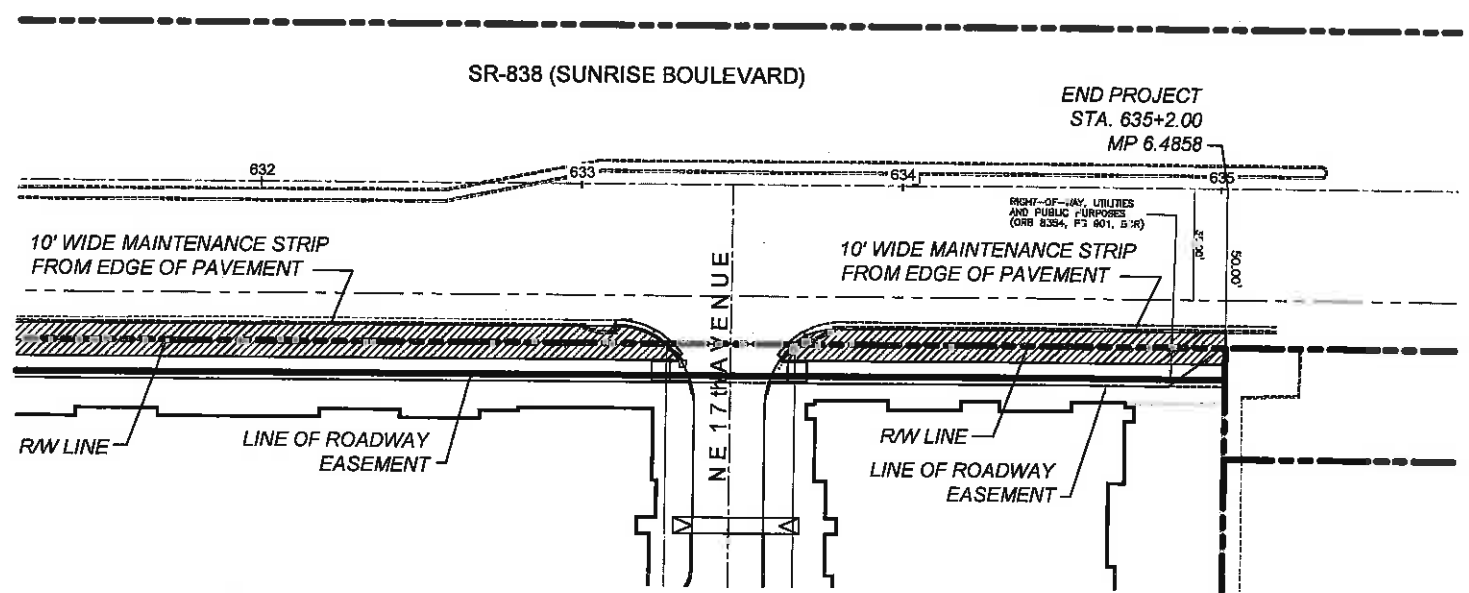
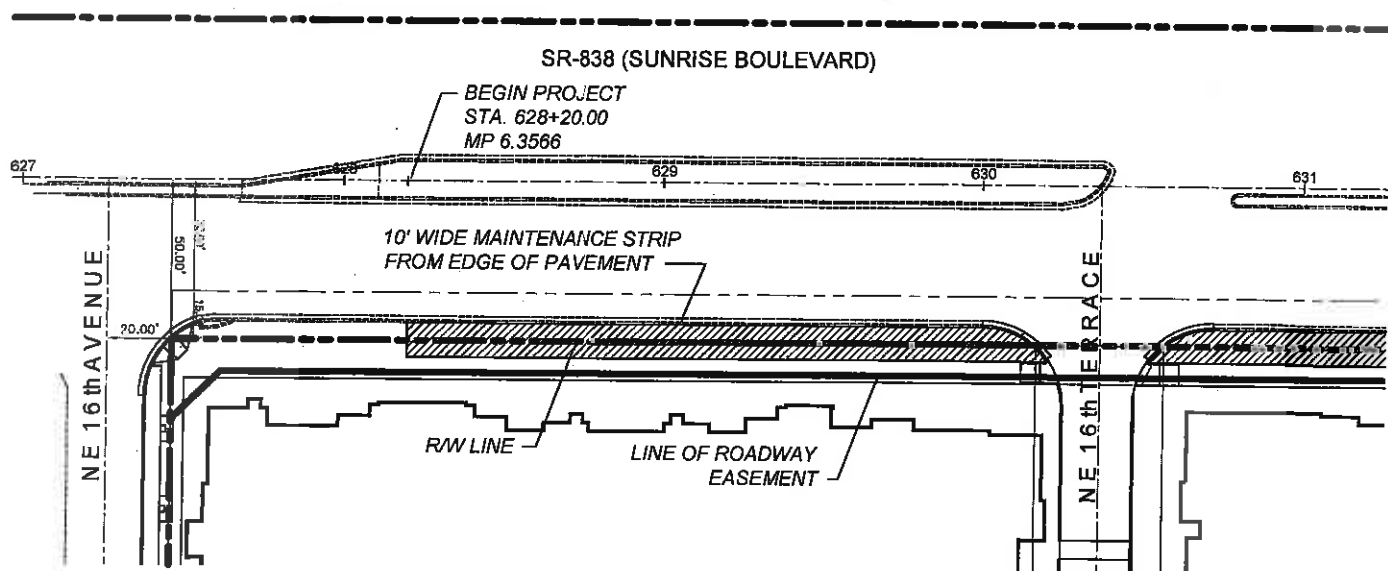
**State Road 838 (Sunrise Boulevard) / State Road 5 (US 1/Federal Highway)
Section 86020000
M.P. 1.060 (State Road 838/Sunrise Boulevard) to M.P. 1.911 (N.E. 18th Avenue)
Entire right of way**

**State Road 838 (Sunrise Boulevard) Section 86005000
M.P. 0.000 (N.E. 18th Avenue) to M.P. 1.191 (State Road A1A)
Entire right of way**

III. LOCATION MAP OF THE PROJECT:

***All limits of the original agreement and amendments shall apply**

Please See Attached



LIMITS OF MAINTENANCE BY
CITY OF FORT LAUDERDALE



LIMITS OF MAINTENANCE PLAN
SR 838 -LANDSCAPE IMPROVEMENTS
STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION
PERMIT # 2013-A-491-0010

SECTION NO: 860005
S.R. NO.(S): 838
COUNTY: Broward
PERMIT NO.(S): 13-A-491-0010

EXHIBIT B

LANDSCAPE IMPROVEMENT PLANS

The Adjacent Property Permittee agrees to install the Project in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: **Rhett .G. Roy, RLA**
Rhett Roy Landscape Architecture and Planning, P.A.

Dated August 1, 2013



1/8" = 1'-0"

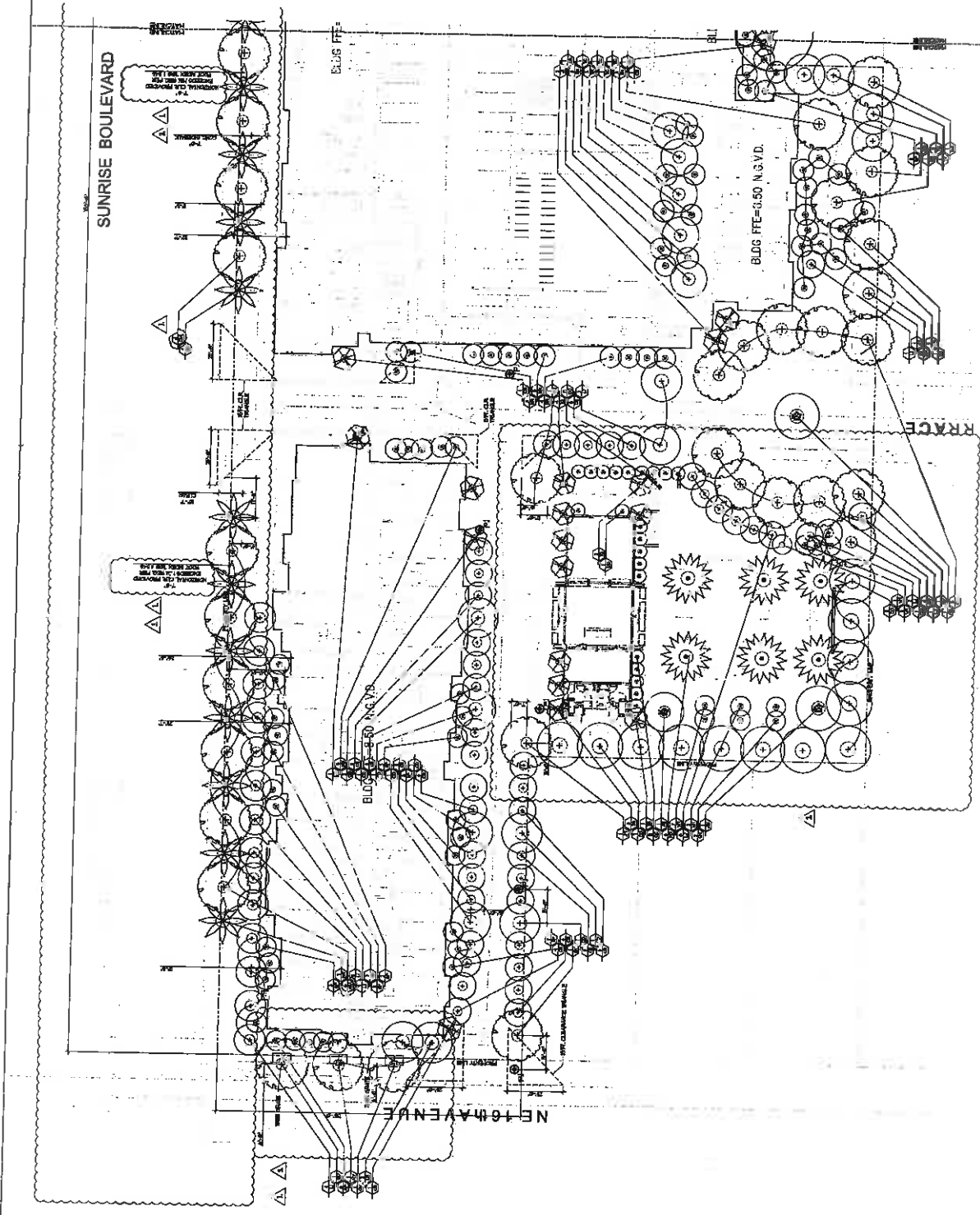
L-2

4/11/14

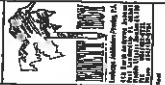
1600 E. Sunrise Blvd., Fort Lauderdale, Florida
Pasco Del Mar
TREE & PALM PLANTING PLAN

Permit Size

NO.	DATE	REVISION
1		
2		
3		
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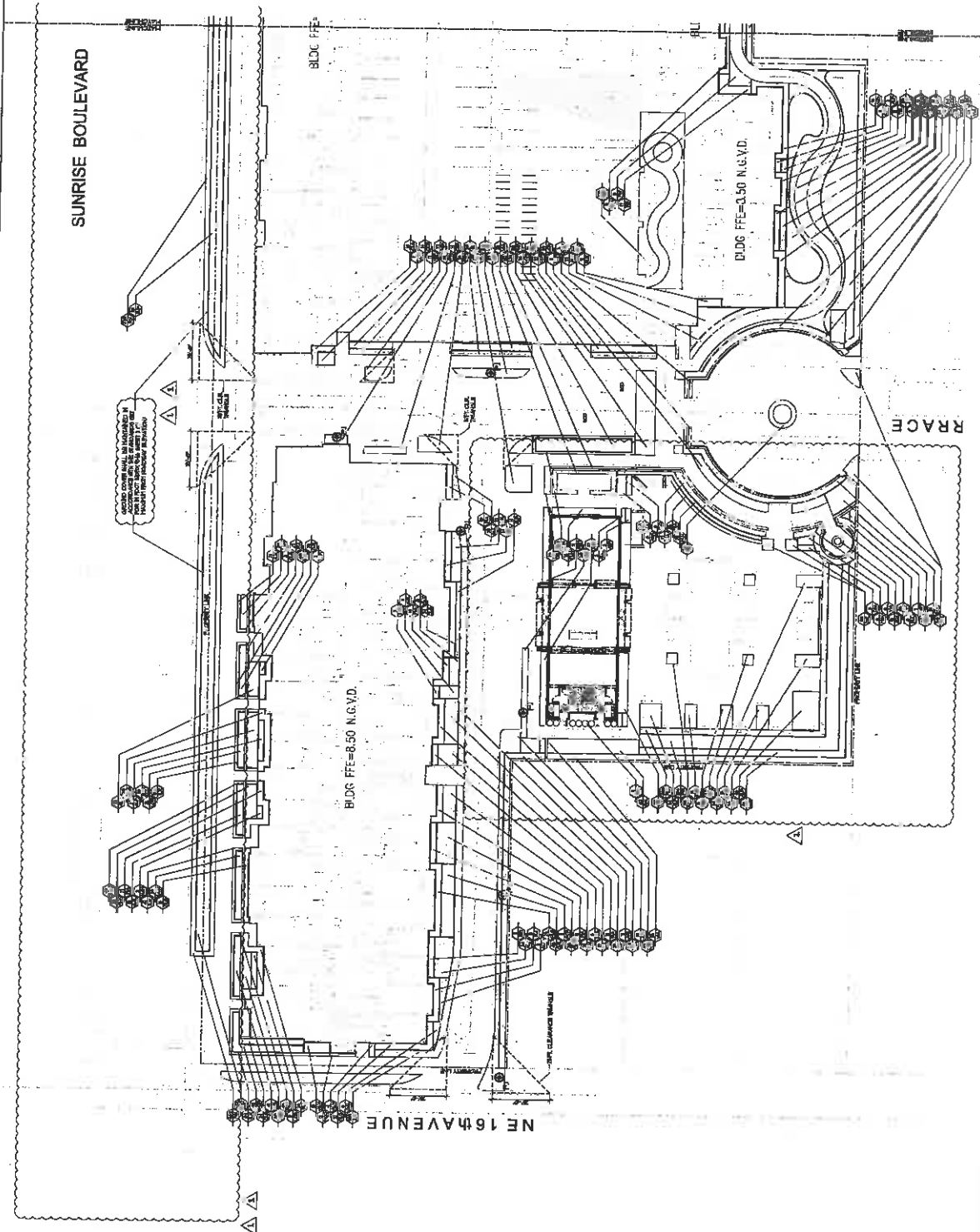


2024
2/12



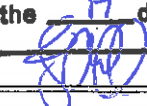
Pasco Del Mar
1600 E. Sunrise Blvd., Fort Lauderdale, Florida
Groundcover Planting Plan

Permit Set



CERTIFICATION

I certify this to be a true and correct copy of the record of the City of Fort Lauderdale, Florida.

WITNESSETH my hand and official seal of the City of Fort Lauderdale, Florida, this the 17 day of December, 2013
 SK. BERT City Clerk

RESOLUTION NO. 13-225

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AMENDMENT NUMBER TWO (2) TO THE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PROVIDING FOR RIGHT-OF-WAY IMPROVEMENTS AS PART OF THE PASEO DEL MAR SITE PLAN APPROVAL PROCESS.

WHEREAS, on September 18, 2007, the City approved the execution of a landscaping maintenance agreement between the City of Fort Lauderdale and Florida Department of Transportation (FDOT) for improvements on State Road 838 (Sunrise Boulevard) from NW 24th Avenue to State Road A1A; and

WHEREAS, on January 17, 2012 the City approved Amendment One To the Inclusive Maintenance of Memorandum Agreement allowing FDOT to install landscaping, trees, irrigation, surface treatments for the bus plaza, crosswalks and medians and installation of gateway with column and ribbon wall and further requiring the City to use the U.S. Department of Homeland Security's E-Verify system; and

WHEREAS, the Parks and Recreation Department currently maintains the improvements identified in the existing agreement, as well as the improvements approved in Amendment One to the Memorandum of Agreement with FDOT; and

WHEREAS, that Paseo Del Mar has agreed to provide and maintain the improvements proposed in Amendment Two to the Memorandum of Agreement with FDOT;


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

SECTION 1. That the proper City Officials of the City of Fort Lauderdale are hereby authorized to execute the Amendment Two to the Inclusive Memorandum of Agreement with FDOT providing for Right-Of-Way improvements as part of the Paseo Del Mar site plan approval process.

SECTION 2. That Paseo Del Mar will provide and maintain the improvements proposed in Amendment Two to the Memorandum of Agreement with FDOT.

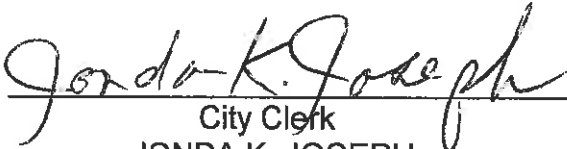
SECTION 3. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 3rd day of December, 2013.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

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