TOOTHAKER.ORG

June 25, 2021

VIA ELECTRONIC SUBMITTAL

Mayor Dean J. Trantalis
Vice Mayor Heather Moraitis
Commissioner Steven Glassman
Commissioner Robert L. McKinzie
Commissioner Ben Sorensen
City Manager Chris Lagerbloom
City Attorney Alain E. Boileau
City of Fort Lauderdale City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301

RE: Amendment to Resolution 13-142

Dear Mayor Trantalis, Vice Mayor Moraitis, Commissioners Glassman, McKinzie, and Sorensen, Mr. Lagerbloom, and Mr. Boileau:

I represent DFW 18 LLC ("Developer") of Raintree Riverwalk Residences ("R3") (Case No. UDP-S20018), proposed at 408 SW 4th Avenue, Fort Lauderdale (the "Property"). On behalf of the Developer, we are respectfully submitting this request to amend the location of the African Rain Tree ("Rain Tree") and bond amount established in Resolution No. 13-142, attached hereto as **Exhibit "A"**.

On August 20, 2013, the City Commission approved Resolution No. 13-142 which authorizes the removal and relocation of the Rain Tree from its current location between SW 4th Avenue and SW 5th Avenue to the northeast corner of SW 3rd Avenue and SW 5th Street. Developer obtained the associated permit (Permit No. LND-TREE-21030044), and as such the relocation of the Rain Tree is imminent.

However, as we have further studied the importance of the Riverwalk to the south side of the New River and the City's planned trails connecting to it, we believe the Rain Tree can be relocated to a significantly more important location along the Riverwalk for the benefit and enjoyment of the residents and visitors of Fort Lauderlade.

Alternative Raintree Location

The proposed alternative Rain Tree location associated with the revised R3 site plan is at the terminus of SW 4th Avenue at the Riverwalk. As depicted in the presentation attached hereto as **Exhibit "B"**, the alternative Rain Tree location will be a natural destination of the pedestrian traffic along SW 4th Avenue and will become one of the "beads" of the Riverwalk's "main street" as described in the New Riverwalk Masterplan. The Rain Tree will attract pedestrian, bicycle, and boat traffic along the south bank of the New River, while becoming a focal point for retail, food and beverage, and entertainment for the neighborhood. The Rain Tree will also have great visibility from the Historic District to the north, as well as the Esplanade Park and Broward Center for the Performing Arts. It is proposed that the full extent of the root system will be located within Developer's Property and that it will be coordinated as required with any existing underground utilities.

Stephanie J. Toothaker, Esq.
land use development political strategy procurement

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401 E Las Olas Blvd, Suite 130-154 Fort Lauderdale, FL 33301

Bond Reduction

Developer is requesting to reduce the bond associated with the five-year warranty period on the survival of the Rain Tree from $1,000,000 to $250,000. The current size of the bond was in fact voluntarily offered by the Developer, substantially exceeding the amount the City requires and not rationally tied to its tree preservation purpose. The City's Code of Ordinances and Unified Land Development Regulations already provides for a policy mechanism in which the City enforces standards and regulations for tree preservation and maintenance pursuant to Sec. 9.305, Sec. 47-21.15, and 47-21.16 to protect the Rain Tree. If Developer is found by the City to not be in compliance with those minimum requirements, the Developer is in violation and penalized accordingly through the City's Code Enforcement Division. Additionally, the Developer has contracted Paul Cox, ISA Certified Arborist, of Environmental Design, Inc. ("EDI") for the relocation and maintenance of the Rain Tree. Tree maintenance will be provided for five years, commencing at root prune date. EDI has led the industry by successfully undertaking some of the highest profile transplanting and preservation projects for the largest trees in the world.

Thank you in advance for your consideration. We look forward to discussing with your further.

Respectfully submitted,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.

RESOLUTION NO. 13-142

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE RELOCATION OF A DESIGNATED "PROTECTED TREE".

WHEREAS, the City Commission adopted Resolution No. 87-318 on December 15, 1987 declaring one Samanea Saman (African Rain Tree) as a "protected tree"; and

WHEREAS, pursuant to Section 47-21.12.C.4, a "protected tree" shall not be removed unless such removal has been approved by resolution of the City Commission; and

WHEREAS, at its public meeting of August 20, 2013, the City Commission considered expert testimony, evidence and public comment regarding the relocation of the protected tree and have determined that the tree can be relocated without damaging the tree;

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

SECTION 1. That the City Commission authorizes the removal and relocation of the "protected tree" designated and identified in Resolution No. 87-318, from the south side of the New River between Southwest 4th Avenue and Southwest 5th Avenue to a proposed public plaza/park space on the northeast corner of Southwest 3rd Avenue and Southwest 5th Street, subject to all of the conditions set forth below:

1. The applicant must provide the City with a five-year warranty period on the survival of the tree, subject to a $1,000,000 bond provided by the applicant. Bond is payable to City of Fort Lauderdale, proceeds of which shall be used for the purchase of trees for the City.

2. The applicant must provide a preparation and relocation period of at least nine (9) months between root pruning and tree relocation.

3. If for any reason Environmental Design Inc. is no longer the contractor relocating the Rain Tree; the developer shall contract services of another tree relocating company of equal or greater expertise and as approved by the City Arborist.

4. An International Society of Arboriculture (ISA) Certified Arborist shall be on-site any time work is done relative to the Rain Tree. Prior to conducting any work applicant shall notify City Forester.

5. Upon relocation, the applicant is solely responsible for the long-term health and maintenance of the tree, including but not limited to pruning, trimming and watering. Any pruning and maintenance of the Rain Tree shall be performed by an ISA Certified Arborist. Prior to conducting any work applicant shall notify City Forester.

6. The applicant shall obtain a permit to relocate the tree as specified in the Environmental Design Inc. Relocation Plan, pursuant to ULDR Section 47-21.12, Tree Preservation, and as approved by the City Arborist.

7. The existing soil at which the protected tree is located at the south side of the New River between Southwest 4th Avenue and Southwest 5th Avenue will be relocated to the northeast corner of Southwest 3rd Avenue and Southwest 5th Street must be moved to the new location with the protected tree and is to be used as the soil in which the protected tree will be planted.

8. No more than ten percent (10%) of the crown of the protected tree will be pruned to facilitate its relocation.

9. Applicant shall have the right to protect the protected tree through minimally invasive means, subject to the approval of City staff, for the duration of the bond as provided in Paragraph 1, above.

SECTION 2. The conditions contain in herein are intended to memorialize the conditions expressed in the record of the hearings at which the application for the development permit was reviewed. In the event that the record of the proceedings contradicts or contains additional conditions not reflected in this instrument, the conditions as expressed on the record of the proceeding shall prevail and are incorporated herein.

SECTION 3. That this Resolution shall take effect immediately upon its adoption.

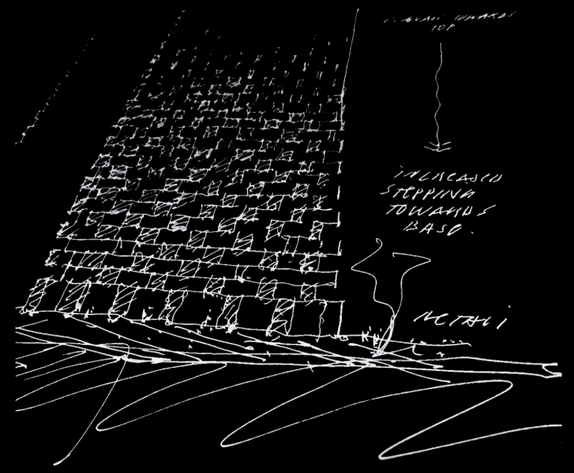
ADOPTED this the 20th day of August, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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RAINTREE RELOCATION
COMMISSION REVIEW

JULY6, 2021

CYMBAL
DEVELOPMENT

DLT GLOBAL

PALMA

KEITH



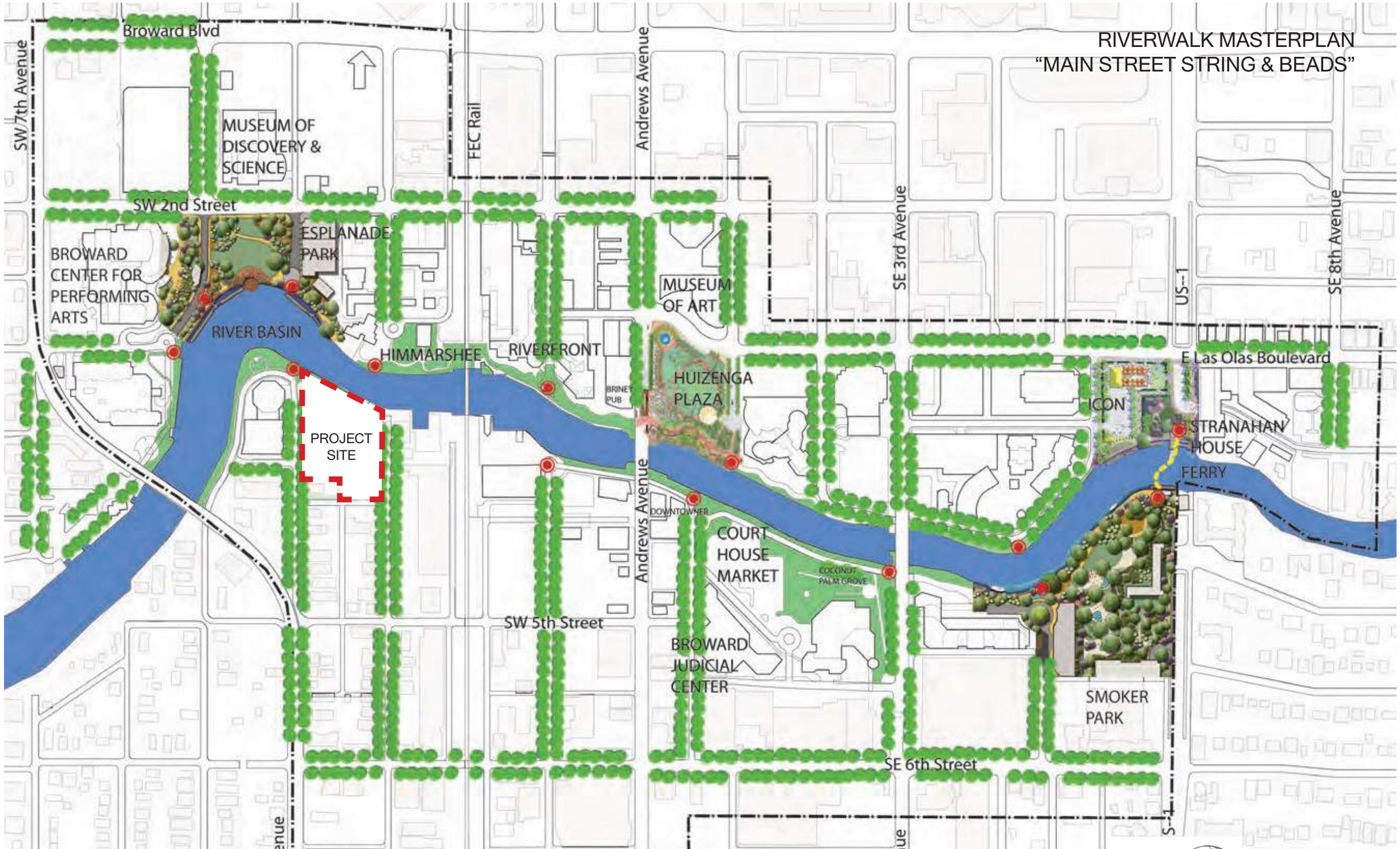
THE RAINTREE
(FROM 4TH AVE NW
LOOKING EAST)

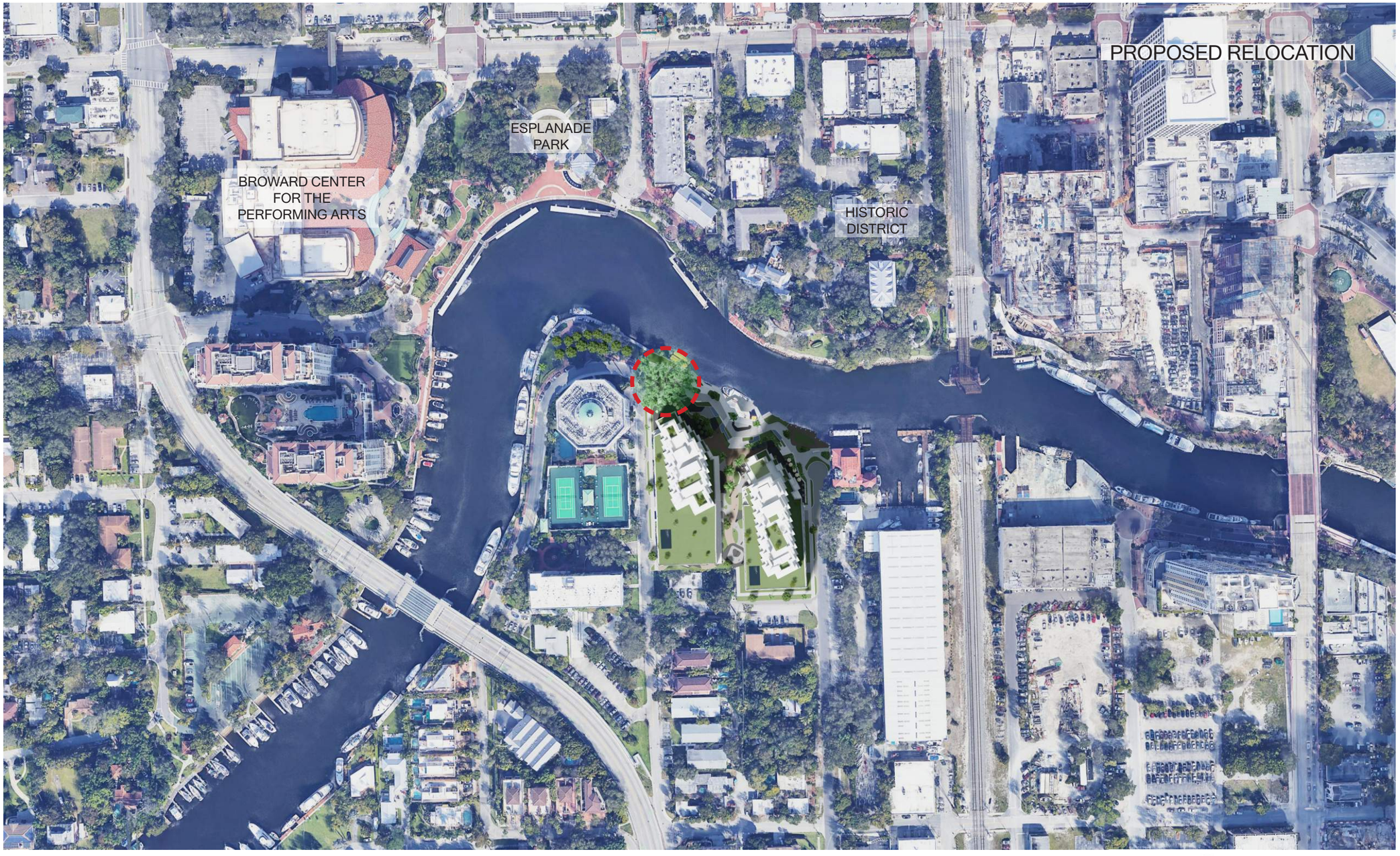


APPROVED RAINTREE RELOCATION


CURRENT SITE PLAN
ESPLANADE PARK
BROWARD CENTER FOR THE PERFORMING ARTS
HISTORIC DISTRICT

RIVERWALK MASTERPLAN
"MAIN STREET STRING & BEADS"




PROPOSED RELOCATION
ESPLANADE PARK
BROWARD CENTER FOR THE PERFORMING ARTS
HISTORIC DISTRICT

RIVERWALK VIEW LOOKING WEST




Pebble Beach Golf Club



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