

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FORT LAUDERDALE, FLORIDA, AMENDING
RESOLUTION NO. 13-142; AND PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, adopted Resolution No. 87-318 on December 15, 1987, declaring the 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 determined that the tree can be relocated without damaging the tree; and

WHEREAS, pursuant to Resolution No. 13-142, the City Commission of Fort Lauderdale, Florida, approved the relocation of the protected tree to a proposed public plaza/park space on the Northeast corner of Southwest 3rd Avenue and Southwest 5th Street and a permit has been issued in accordance with Resolution No. 13-142; and

WHEREAS, in lieu of relocating to a public plaza/park, the Applicant has requested relocation of the protected tree closer to New River and has requested permission to post a Letter of Credit in lieu of a bond; and

WHEREAS, the permit has been issued under Resolution 13-142 and a \$1,000,000 Letter of Credit has been delivered to the City.

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

SECTION 1. That the City Commission of the City of Fort Lauderdale, Florida, 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 location closer to New River at the terminus of SW 4th Avenue at Riverwalk and ratifies substitution of a Letter of Credit in lieu of a bond, as approved by the City through its permitting process, 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 \$_____ Letter of Credit provided by the applicant. The Letter of Credit shall be payable to City of Fort Lauderdale, and the proceeds 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 surrounding soil at which the protected tree is currently located 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 Letter of Credit as provided in Paragraph 1, above.

SECTION 2. It is the intent of the City Commission to amend Resolution No. 13-142 with this Resolution. To the extent this Resolution or any portion thereof is held to be invalid or unlawful,

then Resolution No. 13-142 shall be reinstated in its original form and shall be in full force and effect upon reinstatement.

SECTION 3. The conditions contained herein are intended to memorialize the conditions expressed in the record of the hearings held on August 20, 2013, and on January 5, 2022, at which the application, or any amendments thereto, for the development permit was reviewed. In the event the record of the proceedings contradicts or contains additional conditions not reflected in this resolution, the conditions as expressed on the record of the proceedings shall prevail and are incorporated herein. The terms and conditions approved during the January 5, 2022, meeting shall prevail over the terms, conditions or proceedings during the August 20, 2013 meeting.

SECTION 4. That this Resolution shall take effect immediately upon its adoption.

ADOPTED this _____ day of _____, 2022.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI