



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#23-0495

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

FROM: Greg Chavarria, City Manager

DATE: June 6, 2023

TITLE: Resolution Finding a Public Purpose; Approving an Extension of the Term of a Lease with Coral Ridge Golf Course, Inc. in Exchange for a Grant of Multiple Easements Subject to Terms and Conditions; Accepting Easements from Coral Ridge Golf Course, Inc.; Abandoning an Existing Easement; Approving the Land Rights Swap Agreement and First and Second Amendment to Lease with Coral Ridge Golf Course, Inc. -
(Commission District 1)

Recommendation

Staff recommends the City Commission make a finding of a public purpose, approve an extension of the term of the Lease dated March 24, 1999 with Coral Ridge Golf Course, Inc. ("Coral Ridge") in exchange for the grant of multiple easements, approve the Land Rights Swap Agreement, the First Amendment and Second Amendment to the Lease with Coral Ridge Golf Course Inc., accept multiple easements from Coral Ridge and abandon an existing easement to facilitate the construction of 24-inch-diameter cast-iron sanitary sewer force main along Northeast 25th Avenue, from State Road 870 (East Commercial Boulevard) to Repump Station B, located within the Golf Course and to replace a 20-inch-diameter force main with a minimum nominal internal diameter of 42 inches along Northeast (NE) 38th Street between NE 12th Avenue and Repump Station B located in the Golf Course.

Background

The City is under a Consent Order, Number 16-1487, with the Florida Department of Environmental Protection (FDEP) Office of the General Counsel (OGC) as of September 29, 2017. The Consent Order was amended on October 12, 2020. Paragraph 6(e) of the Amended Consent Order identified the Northeast 25th Avenue 24-inch force main replacement and Northeast 38th Street 42-inch force main/Northeast 19th Avenue 24-inch force main replacement as a project to be completed no later than September 30, 2026.

In order to comply with the Consent Order and construct and install the necessary infrastructure improvements, the City needs to reconfigure an existing easement (the "Blue Line Easement"), using the open cut methodology, within the Golf Course, acquire

a new easement across one of the fairways (the “Green Line Easement”) using the horizontal directional drilling methodology, acquire an ingress and egress easement to the pump station, acquire a temporary construction easement and abandon a portion of the existing Blue Line Easement.

The City currently owns a landlocked parcel within the Golf Course, a portion of which is leased out to Coral Ridge. Access to the City Site is provided via an Ingress and Egress Easement. The City’s pump station is located on the unencumbered portion of the City Site and Coral Ridge’s maintenance facility and driving range is located on the remainder. Assuming the second option under the Existing Lease is not exercised, the current Lease expires on March 23, 2024. Pursuant to Section 8.04 (f) of the City Charter, staff recommends that the City extends the term of the Lease, under the existing rental scheme, for fifty (50) years starting from the date of completion of the work or ten (10) years whichever occurs first in exchange for a grant of multiple easements. Such an exchange constitutes a public purpose under the City Charter. In addition, the City must abandon a portion of the existing Blue Line Easement that is no longer needed.

Under the Consent Order the work must be completed by September 30, 2026. Staff finds that no other viable locations exist for installing the sewer lines and force mains required under the Consent Order.

The infrastructure for the Blue Line Easement can only be installed using the open cut methodology and only during the time when the Golf Course is closed for maintenance. If we fail to timely complete the work, then the City has to pay liquidated damages not to exceed \$750,000. Further, the Exchange Agreement gives the Golf Course the right to issue a stop work order and to file suit against the Contractor for damages to the Golf Course.

Resource Impact

There will be no fiscal impact to the City.

Strategic Connections

This item is a *2023 Top Commission Priority*, advancing the Infrastructure and Resilience initiative.

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Infrastructure Focus Area
- Goal 1: Build a sustainable and resilient community.
- Objective: Proactively maintain our water, wastewater, stormwater, road, and bridge infrastructure

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

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan specifically advancing:

- The Infrastructure Focus Area
- The Sanitary Sewer, Water & Stormwater Element
- Goal 3: Develop and maintain an adequate water supply, treatment, and distribution system, which meets the existing and projected needs of the service area in an efficient, economical, and environmentally sensitive manner.

Attachment

Exhibit 1 – Land Swap Agreement with Exhibits

Exhibit 2 – Resolution

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Department Director: Alan Dodd, Public Works