



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#16-1310

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

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: December 6, 2016

TITLE: Motion Authorizing a Revocable License Agreement among Broward County, City of Fort Lauderdale, and 400 N.E. Third Avenue, LLC, and an Agreement Ancillary to Revocable License Agreement for Improvements in the County Right of Way

Recommendation

It is recommended that the City Commission approve a motion to authorize the City Manager to execute two agreements: 1) a Revocable License Agreement among Broward County, City of Fort Lauderdale (City), and 400 N.E. Third Avenue, LLC, for installation of landscaping, tree grates, pavers, irrigation, and decorative pedestrian lighting improvements in the County Right of Way (R.O.W.) and 2) an Agreement Ancillary to Revocable License Agreement.

Background

The Department of Sustainable Development is requiring 400 NE Third Avenue LLC., to install landscaping, irrigation, tree grates, and decorative pedestrian lighting to comply with the intent of the Downtown Master Plan and City Vision Plan. These improvements lie along the eastern (north bound) side of NE 3rd Avenue in between NE 4th Street and NE 5th Street.

In order for private developments to implement streetscape improvements which follow the City's Vision Plan and further the City's Complete Streets program, an agreement is required. To ensure implementation of the proposed design features are completed on a County roadway, the City is required to enter into a Revocable License Agreement with the County to ensure maintenance of the R.O.W. improvements associated with the development.

The Revocable License Agreement calls for the City to act as the functional equivalent of a guarantor of the developer's obligations under that instrument. In order to establish a means of recourse against the developer, the City Attorney's Office recommends that the Agreement Ancillary to Revocable License Agreement be executed as a condition precedent to execution of the Revocable License Agreement. The Ancillary Agreement provides conditions, procedures, and additional penalties for recourse against the

developer, that are otherwise not provided for in the underlying Revocable License Agreement between the County and City.

Resource Impact

There is no fiscal impact to the City.

Strategic Connections

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

- Goal 1: Be a pedestrian friendly, multi-modal city.
- Objective 1: Integrate transportation land use and planning to create a walkable and bikeable community.
- Initiative 8: Adopt Complete Streets guidelines.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan* initiative: We are Connected.

Attachments

Exhibit 1 – County/City/Developer Revocable License Agreement

Exhibit 2 –Ancillary Agreement to Revocable License Agreement

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Department Director: Anthony Gregory Fajardo, Sustainable Development