



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#17-0011

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

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

DATE: February 7, 2017

TITLE: Motion Authorizing a Revocable License Agreement among Broward County, City of Fort Lauderdale, and West Cypress Partners, 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 West Cypress Partners, LLC, for installation of landscaping and irrigation 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 (DSD) is requiring West Cypress Partners, LLC, to install landscaping and irrigation to comply with the intent of the City's Vision Plan, *Fast Forward*. These improvements lie along and within the R.O.W. of Cypress Creek Road (NW 62nd 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 – Agreement Ancillary to Revocable License Agreement

Prepared by: Alex Scheffer, P.E., City Engineer

Department Director: Anthony Gregory Fajardo, Sustainable Development