



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#19-0295

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: May 7, 2019

TITLE: Motion Authorizing Execution of 1) A Revocable License Agreement between Blackhawk Properties & Investment, LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on South Andrews Avenue in Association with the “550 Building and Parking Garage” Project Located at 550 South Andrews Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between Blackhawk Properties & Investment, LLC and the City of Fort Lauderdale - **(Commission District 4)**

Recommendation

It is recommended that the City Commission approve a motion to authorize the execution of two separate agreements for the installation and perpetual maintenance of public realm improvements on South Andrews Avenue, in association with the “550 Building and Parking Garage” project (formerly known as the “The Justice Building”) located at 550 South Andrews Avenue, as follows: 1) A Revocable License Agreement (RLA) among Blackhawk Properties & Investment, LLC (“Developer”), Broward County and the City of Fort Lauderdale (“Tri-Party RLA”); and 2) An Agreement Ancillary to said Tri-Party RLA, between Blackhawk Properties & Investment, LLC and the City of Fort Lauderdale (“AARLA”).

Background

The subject development consists of a seven-story office building (DRC# R15039) and an eight-story parking garage (DRC# 16055) that are located on separate properties and that were issued separate site plan approvals by the City in April 2016 and April 2018, respectively. A location map is attached as Exhibit 1. The site plan conditions require the Developer to construct decorative pavers, sidewalks, lighting, landscaping, planters and other ancillary improvements within the South Andrews Avenue right-of-way (“Right-of-Way Improvements”) in keeping with the Downtown Master Plan street design guidelines for that corridor.

South Andrews Avenue is under Broward County’s jurisdiction and is classified as a minor arterial. The County is requiring execution of the Tri-Party RLA as a condition of their approval for the developer to install and maintain the Right-of-Way Improvements.

The Tri-Party RLA places certain obligations on the Developer to ensure that the Right-of-Way Improvements are maintained to meet minimum County standards. The Tri-Party RLA also contains conditions that obligate the City to become responsible for and assume the Developer's responsibilities and obligations for the ongoing maintenance, repair and replacement of the Right-of-Way Improvements in case of default by the Developer. In turn, as a condition precedent to the execution of the Tri-Party RLA, the City is requiring the execution of the AARLA that provides certain remedies for the City in the event of default by the Developer.

Since the development approvals for the office building preceded the approvals for the parking garage, a Tri-Party RLA and an AARLA were executed earlier in 2017 for the Right-of-Way Improvements associated with the office building.

After the parking garage received site plan approval in 2018, the Developer requested that the new Tri-Party RLA and new AARLA incorporate the Right-of-Way Improvements for both projects and replace the earlier Tri-Party RLA and the earlier AARLA. Accordingly, provisions have been included in the new AARLA that (subject to this agenda item being approved by the Commission), would terminate the earlier AARLA on even date with the effective date of the new AARLA. The earlier Tri-Party RLA provides the County with the authority to unilaterally terminate said earlier Tri-Party RLA and, it is City staff's understanding that they will exercise that authority if and when the new Tri-Party RLA is fully executed.

A copy of the new Tri-Party RLA is provided as Exhibit 2 and a copy of the new AARLA is included as Exhibit 3. If the City Commission approves execution of both agreements, then originals of the Tri-Party RLA executed by the City will be forwarded to Broward County for consideration and formal action by the Board of County Commissioners to enter into the agreement.

Resource Impact

There is no fiscal impact to the City associated with this action.

Strategic Connections

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

- Goal 1: Be a pedestrian friendly, multi-modal City.
- Objective 2: Integrate transportation land use and planning to create a walkable and bikeable community.
- Initiative 3: Develop a citywide comprehensive public/private sidewalk policy and plan to improve sidewalks and connections

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

Attachments

Exhibit 1 - Location Map

Exhibit 2 - Tri-Party RLA

Exhibit 3 - AARLA

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