



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#19-0651

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: October 2, 2019

TITLE: Motion Authorizing Execution of 1) A Revocable License Agreement between Florida East Coast Railway, LLC and G. Proulx Building Products, LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on South Andrews Avenue in Association with the "G. Proulx Building Products" Project Located at 3125 South Andrews Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, between Florida East Coast Railway, LLC and G. Proulx Building Products, 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 "G. Proulx Building Products" project located at 3125 South Andrews Avenue, as follows: 1) A Revocable License Agreement (RLA) among Florida East Coast Railway, LLC and G. Proulx Building Products, LLC ("Developer/Licensee"), Broward County and the City of Fort Lauderdale ("Tri-Party RLA"); and 2) An Agreement Ancillary to said Tri-Party RLA, between Florida East Coast Railway, LLC and G. Proulx Building Products, LLC ("Developer/Licensee") and the City of Fort Lauderdale ("AARLA").

Background

The subject development consists of a one-story covered warehouse building (DRC# R17060) that was issued site plan approval by the City in April 2018. A location map is attached as Exhibit 1. The Department of Sustainable Development (DSD) and site plan conditions require the Developer/Licensee to construct asphalt driveway paving, concrete sidewalk, landscaping including structural soil, irrigation and other ancillary improvements to comply with the intent of the City's Vision Plan, *Fast Forward*. These improvements lie along and within the South Andrews Avenue right of way ("Right-of-Way Improvements").

South Andrews Avenue is under Broward County's jurisdiction and is classified as a major collector. 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/Licensee 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/Licensees' 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. These remedies include the Developer paying fines to the City or reimbursing the City for all reasonable and necessary costs and expenses related to curative actions taken by the City, and the City reserving the right to record a Claim of Lien against the Developer's property.

A copy of the Tri-Party RLA is provided as Exhibit 2 and a copy of the 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 Revocable License Agreement with Exhibits A through F

Exhibit 3 - AARLA, with Exhibit A attached – Exhibit A being the Tri-Party Revocable License Agreement with Exhibits A through F

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