



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

**#19-1134**

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

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** December 3, 2019

**TITLE:** Motion Authorizing Execution of 1) A Revocable License Agreement between BR ArchCo Flagler Village, LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on North Andrews Avenue in association with the “ArchCo Metropolitan” Project Located at 500 North Andrews Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between BR ArchCo Flagler Village, LLC and the City of Fort Lauderdale - **(Commission District 2)**

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**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 North Andrews Avenue, in association with the “ArchCo Metropolitan” project located at 500 North Andrews Avenue, as follows: 1) A Revocable License Agreement (RLA) among BR ArchCo Flagler Village, LLC (“Developer”), Broward County and the City of Fort Lauderdale (“Tri-Party RLA”); and 2) An Agreement Ancillary to said Tri-Party RLA, between BR ArchCo Flagler Village, LLC and the City of Fort Lauderdale (“AARLA”).

**Background**

The subject development consists of a seven-story mixed use multi-family residential building with structured parking and ground floor restaurant/retail that was issued site plan approval by the City in August of 2017 (DRC Case #R17010). A location map is attached as Exhibit 1. As a condition of their site plan approval, the Developer needs to construct and maintain decorative pavers, sidewalks, lighting, landscaping, planters and other ancillary improvements within the North Andrews Avenue right-of-way (“Right-of-Way Improvements”).

Since North Andrews Avenue is under Broward County jurisdiction, the County is requiring execution of the Tri-Party RLA as a condition of their approval for the developer to install and maintain the improvements in their rights-of-way. 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 supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Infrastructure Focus Area
- Goal 2: Build a multi-modal and pedestrian friendly community
- Objective: Improve roads, sidewalks, and trails to prioritize a safer, more walkable and bikeable community

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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