

**AGREEMENT  
BETWEEN THE STATE OF FLORIDA DEPARTMENT OF  
TRANSPORTATION,  
THE CITY OF FORT LAUDERDALE,  
AND THE FLORIDA DIVISION OF HISTORICAL RESOURCES  
PURSUANT TO CHAPTER 267, FLORIDA STATUTES  
REGARDING THE HENRY E. KINNEY PEDESTRIAN PLAZA PROJECT IN  
BROWARD COUNTY, FLORIDA**

**RECITALS**

A. The State of Florida Department of Transportation (FDOT) and the City of Fort Lauderdale (City) are working together to design and construct a pedestrian plaza at the Henry E. Kinney Tunnel (Project) located in Broward County, Florida within the City of Fort Lauderdale; and

B. The FDOT and City have consulted with the Florida Division of Historical Resources (FDHR) pursuant to Chapter 267, Florida Statutes, and has determined that the proposed Project will have an adverse effect on the Henry E. Kinney Tunnel (Florida Master Site File Number 8BD4504), a property eligible for listing on the National Register of Historic Places (NRHP), and the project will have no adverse effect to the Stranahan House (Florida Master Site File Number 8BD64), a property listed on the NRHP; and

C. The FDOT and the City have consulted with the City of Fort Lauderdale Historic Preservation Board and the Stranahan House and considered their input regarding the proposed effects as well as potential mitigation options.

NOW, THEREFORE, the FDOT, the City, and the FDHR agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the adverse effect of the Project on the historic Henry E. Kinney Tunnel and mitigate effects to the historic tunnel.

**STIPULATIONS**

FDOT and the City will ensure that, as part of the Project, the following measures are implemented:

**I. Public Interpretation:**

- A. Four panels shall be designed and placed on the four walls of the North Ventilation Building (which is ineligible for the NRHP) at the Laura Ward Riverwalk Plaza adjacent to the

Stranahan House. The panels will include a Quick Response (QR) reader with information on the development of Fort Lauderdale and the New River. The FDOT and the City will be responsible for the design, construction, content, and placement of the panels in consultation with the Stranahan House and the City of Fort Lauderdale Historic Preservation Board.

## **II. Documentation of the Henry E. Kinney Tunnel**

- A. Prior to authorizing any demolition or other activity that could adversely affect the Henry E. Kinney Tunnel, the Tunnel entrances (South and North) and walls shall be documented according to Level II of the National Park Service (NPS) Historic American Engineering Survey (HAER) standards:
1. All documentation of the tunnel shall be completed in accordance with the "Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation Level II" (48 FR 44730-38). The following documentation will be prepared by persons meeting the qualifications stated in Stipulation V.A.:
    - a. Drawings - select available existing drawings with large-format negatives or images photographically reproduced on archival Mylar or vellum.
    - b. Photographs - Photographs with large-format negatives of exterior views from the two tunnel entrances, walls, and noteworthy features and details. All negatives and prints will be processed to meet archival standards.
    - c. Written Data - A narrative description of the bridge, discussion of the significance, and historical context.
  2. FDOT shall provide draft HAER documentation (non-archival format, electronic version) to the NPS and SHPO for concurrent review.
  3. FDOT shall make requested edits and provide all copies of the HAER documentation as follows:

- a. An archival copy to the NPS Southeast Regional Office for review and approval prior to demolition of the structure, per HAER guidelines; and
  - b. An archival copy and an electronic copy to the FDHR for inclusion in the FMSF; and
  - c. Non-archival and electronic copies to the Fort Lauderdale Historic Preservation Board and the Stranahan House.
- B. The interior spaces of the Henry E. Tunnel will be digitally photo-documented by a professional photographer. Electronic versions of the photos will be provided to the FDHR, City of Fort Lauderdale Historic Preservation Board, and the Stranahan House.

### **III. Minimization of Adverse Effect**

- A. FDOT and the City shall ensure that the design of the new wall (pedestrian safety wall) on the new plaza on top of the Henry E. Kinney Tunnel will acknowledge, but not exactly match, the historic appearance of the original wall.
  - 1. Original plans or the resultant drawings from Stipulation II.A shall be used to design the replacement walls.
  - 2. The FDOT and City shall provide designs of the new walls to the City Historic Preservation Board, the Stranahan House, and the FDHR to review and provide comments.
- B. FDOT and the City shall insure that the historic plaque on the south wall of the North entrance of the Tunnel will be re-installed on the site.
- C. FDOT and the City will continue consultation with the City Historic Preservation Board and the Stranahan House as the Project design progresses.
- D. Adverse effects to the Stranahan House shall be avoided through the use of a protection plan to be submitted to the City of Fort Lauderdale Historic Preservation Board prior to construction.

### **IV. Archeological Investigations/Discoveries**

- A. Should archaeological artifacts, ecofacts, or features be encountered during construction of the Project, FDOT will ensure that they are examined by a professional archaeologist meeting the *Secretary of the Interior's Professional Qualifications Standards* (Code of Federal Regulations 36 CFR Part 61).
- B. Should unmarked human remains be encountered during the construction of the Project, FDOT will ensure that they are treated in accordance with Section 872.05, Florida Statutes.

**V. Administrative Stipulations**

- A. All documentation of historic properties pursuant to this Agreement shall be conducted by or under the direct supervision of a person or persons meeting the *Secretary of the Interior's Professional Qualifications Standards* (Code of Federal Regulations 36 CFR Part 61) in the fields of *History, Architectural History, or Historical Architecture*; and that all archaeological work is carried out by or under the direct supervision of a person or persons meeting the *Secretary of the Interior's Professional Qualifications Standards* (Code of Federal Regulations 36 CFR Part 61) in the field of *Archaeology*.
- B. Any modifications or amendments to this Agreement shall be in writing, executed by the parties.
- C. In the event that FDOT and the City do not undertake the Project, this Agreement may be terminated by FDOT or the City providing written notice to the FDHR.
- D. All notices, requests, demands, consents, approvals and other communication which are required to be served or given hereunder shall be in writing, and shall be sent by certified U.S. mail, return receipt requested, postage prepaid, addressed to the party to receive such notice, as follows:

TO FDHR:  
Dr. Timothy Parsons, Director  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399

TO FDOT:  
Gerry O'Reilly, District 4 Secretary  
Florida Department of Transportation

3400 West Commercial Boulevard  
Fort Lauderdale, Florida 33309

TO CITY:  
Transportation Engineering Design Manager  
290 NE 3<sup>rd</sup> Avenue  
Fort Lauderdale, Florida 33301

- E. The execution of this agreement regarding the project related to the Henry E. Kinney Tunnel, and the implementation of its terms, evidences that the City has satisfied the requirements of Chapter 267, Florida Statutes. It is understood and agreed that upon completion of the Mitigation of Adverse Effects to the Henry E. Kinney Tunnel stipulated in this Agreement, the City's mitigation responsibilities under Chapter 267 shall be deemed concluded.

The parties have executed this Agreement for the purposes stated, in the date below written.

**State of Florida Department of Transportation**

By: \_\_\_\_\_  
Gerry O'Reilly, District 4 Secretary

Date: \_\_\_\_\_

**Florida Division of Historical Resources**

By: \_\_\_\_\_  
Dr. Timothy Parsons, Director

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Jeffrey A. Modarelli, City Clerk

**City of Fort Lauderdale**

By: \_\_\_\_\_  
Dean J. Trantalis, Mayor

By: \_\_\_\_\_  
Christopher J. Lagerbloom, ICMA-CM  
City Manager

Approved as to form:

By: \_\_\_\_\_

Shari C. Wallen, Esq.  
Assistant City Attorney