



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0460

TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: April 20, 2021

TITLE: Motion Approving an Amended and Restated Park Easement Agreement Between Broward County, NuRiver Landing Condominium Association, Inc. and the City of Fort Lauderdale for Smoker Family Park Located at 501 South New River Drive East, Fort Lauderdale, Florida; And Approving a Mutual Release of Liability between NuRiver Landing Condominium Association, Inc. and the City of Fort Lauderdale – **(Commission District 4)**

Recommendation

Staff recommends the City Commission approve an Amended and Restated Park Easement Agreement (“Amended Agreement”) between Broward County (“County”), NuRiver Landing Condominium Association Inc. (“NuRiver”), and the City of Fort Lauderdale (“City”) for Smoker Family Park (“Smoker Park”), located at 501 South New River Drive East, Fort Lauderdale, Florida; and recommends the approval of a Mutual Release of Liability (“Mutual Release”) between NuRiver and the City.

Background

On June 22, 1998, the City entered into a tri-party park easement agreement between the County, Riverview of Fort Lauderdale, Ltd., and the City. NuRiver subsequently became the successor in interest of Riverview of Fort Lauderdale, Ltd. Pursuant to the original agreement, the County (fee simple owner of Smoker Park) granted the City, in favor of the general public, a non-exclusive easement for park purposes, subject to certain time restrictions (sunrise to sunset). In addition, the County granted NuRiver an easement to exclusively use the public park between sunset and sunrise, with maintenance of the Park being the responsibility of NuRiver.

In the proposed Amended Agreement, Broward County is granting the City, for public use, a perpetual nonexclusive easement for park purposes, with no time restrictions, and with NuRiver therein consenting to have and retain no responsibilities or rights to Smoker Park other than as provided to the public at large. The City will be responsible for the maintenance of Smoker Park and has the right to make improvements, alterations, or modifications consistent with public park uses. The City also has the authority to schedule special events for no more than twelve (12) events per year.

In consideration of entering into the Amended Agreement, NuRiver and the City propose entering into a Mutual Release, wherein both NuRiver and the City agree to release the other from any claims related to Smoker Family Park arising prior to the date of the Mutual Release.

Broward County has requested that NuRiver and the City both agree to the Amended Agreement prior to its consideration by the Broward County Board of County Commissioners at its next meeting.

Resource Impact

There are no fiscal impacts to the City associated with this item.

Strategic Connections

This item is a 2021 Top Commission Priority, advancing the Parks and Public Places initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a healthy and engaging community
- Objective: Improve access to and enjoyment of our beach, waterways, parks, and open spaces for everyone

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Here*.

Attachments

Exhibit 1 – Amended Agreement

Exhibit 2 – Mutual Release

Exhibit 3 – Property Map

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City Manager’s Office

Charter Officer: Chris Lagerbloom, ICMA-CM, City Manager