



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

#21-0465

TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: November 2, 2021

TITLE: Motion Approving Lease Amendment between the Florida Department of Transportation and the City of Fort Lauderdale for Right-of-Way Land Above the Henry E. Kinney Tunnel - **(Commission District 4)**

Recommendation

Staff recommends the City Commission approve a lease amendment between the Florida Department of Transportation ("FDOT or Lessor") and the City of Fort Lauderdale ("City or Lessee") for the right-of-way land ("Leased Area") above the Henry E. Kinney Tunnel to restrict public access and begin construction of the Henry E. Kinney Tunnel Top Pedestrian Plaza ("Tunnel Top Park").

Background

On January 12, 1999, FDOT and the City entered into a 20-year lease agreement for the purpose of establishing a linear park above the Henry E. Kinney Tunnel. The Leased Area included the Laura Ward Riverwalk Plaza and a portion of 6th Avenue (Exhibit 1).

In 2002, the City applied for a Florida Inland Navigational District ("FIND") grant to fund improvements on the Leased Area. Improvements included landscaping and streetscape enhancements, lighting, irrigation benches, vending structures, parking, and sidewalk cafes. The City was awarded the FIND grant with the condition that the Lessee maintain ownership of the Leased Area for a minimum of twenty-five (25) years. On May 23, 2002, the Lessor extended the lease agreement with the Lessee for a forty (40) year term, beginning on January 12, 1999, and ending on January 11, 2039, with an option to extent for one additional forty (40) year term.

In 2014, the City initiated a discussion with FDOT to integrate a park into the Lessor's impending rehabilitation project of the Henry E. Kinney Tunnel. The Lessor agreed to the joint Tunnel Top Park with the Lessee. The Henry E. Kinney Tunnel rehabilitation and Tunnel Top Park includes a pedestrian plaza structure, raising of the intersection of Las Olas Boulevard and SE 6th Avenue, reconstruction of the north ventilation building, and landscape and hardscape of the Leased Area.

To kick off the proposed Tunnel Top Park project, the Lessee and Lessor conducted several meetings with various stakeholders to review preliminary plans and gain feedback. The Tunnel Top Park team incorporated solutions to address concerns from the public, while still being consistent with the initial intent to improve safety of the area.

In November 2020, the City Commission approved plans, improvements, and funding for the Tunnel Top Park with the Lessor. The construction of the Henry E. Kinney Tunnel Top Pedestrian Plaza which includes the Leased Area will begin in 2022. In order for the pending Tunnel Top Park construction to take place, the Lessor and Lessee must amend the lease agreement to restrict public access and close off the Leased Area (Exhibit 2). The Lessee will be notified when the Tunnel Top Park is underway and will be allowed to re-occupy the Leased Area once construction and improvements are completed. The anticipated completion date of Henry E. Kinney Tunnel Top Pedestrian Plaza is early 2023.

Resource Impact

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

Strategic Connections

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

This item is a Press Play Fort Lauderdale Strategic Plan 2024 initiative, specifically advancing:

- 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*.

This item supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Public Places Focus Area
- The Parks, Recreation & Open Spaces Element
- Goal 1: Be a community where persons of all ages are able to partake in a fun and healthy lifestyle.

Attachments

Exhibit 1 – Leased Area

Exhibit 2 – Amendment to Public Purpose Lease Agreement

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