



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0924

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: November 2, 2021

TITLE: Motion Authorizing Execution of 1) A Revocable License Agreement between New River III, LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on South Andrews Avenue in Association with the “New River Yacht Club III” Project Located at 417-441 South Andrews Avenue; and 2) An Agreement Ancillary to Revocable License Agreement, Between New River III, LLC and the City of Fort Lauderdale – **(Commission District 4)**

Recommendation

Staff recommends the City Commission consider approving a motion authorizing the execution of two separate agreements for the perpetual maintenance of public realm improvements on South Andrews Avenue, in association with the “New River Yacht Club III” project located at 417-441 South Andrews Avenue, as follows: 1) A Revocable License Agreement (“RLA”) among New River III, LLC (“Developer”), Broward County and the City of Fort Lauderdale (“Tri-Party RLA”); and 2) An Agreement Ancillary to said Tri-Party RLA, between New River III, LLC and the City of Fort Lauderdale (“AARLA”).

Background

The subject development consists of 230 multi-family residential units and 2,400 square feet of retail space with structured parking for 324 parking spaces. The site plan received City approval in April 2019 (DRC Case #R18067) for a 20-story (232-foot high), 488,957 square foot building. A “Location Map” is attached as Exhibit 1, and “License Area” is attached as Exhibit 2. The Developer has already completed the building, as well as construction of improvements within the South Andrews Avenue right-of-way (“Right-of-Way Improvements”), subject to the County issued construction permit. As a condition of their site plan approval, the Developer needs to maintain sidewalk pavers, curb & gutter, landscaping including structural soil, irrigation and other ancillary improvements within the adjacent County right-of-way, subject to the issuance of this Revocable License.

Since South 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 3 and a copy of the AARLA is included as Exhibit 4. 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 *2021 Commission* Priority, advancing the Smart Growth initiative.

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.

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

- The Infrastructure Focus Area
- The Transportation & Mobility Element
- Goal 1: Ensure the equitable development of a Complete Network for transportation that prioritizes Safety and emphasizes multimodal mobility and accessibility.

Attachments

Exhibit 1 – Location Map

Exhibit 2 – License Area

Exhibit 3 – Tri-Party RLA

Exhibit 4 – AARLA

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