



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#21-0731

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: November 16, 2021

TITLE: Motion Authorizing the Execution of (A) a Five (5) Year Florida
Department of Transportation (FDOT) Use and Occupancy Agreement
formerly known as FDOT Airspace Agreement and (B) Amended and
Restated Revocable License and (B) an Amended and Restated
Revocable License with Water Taxi - **(Commission District 4)**

Recommendation

Staff recommends the City Commission approve a motion authorizing execution of (A) a five (5) year Florida Department of Transportation (FDOT) Use and Occupancy Agreement ("2021 Use and Occupancy Agreement") and (B) an Amended and Restated Revocable License with Water Taxi.

Background

In 2002, the City entered into a 20 year public purpose agreement (Air Space Agreement) with the Florida Department of Transportation (FDOT) for the use of and area under the 17th Street Causeway and the west side of the Atlantic Intracoastal Waterway for "access, parking and a park-like area". No lease fees were charged to the City by FDOT for this public purpose agreement.

In 2008, Water Transportation Alternatives (Water Taxi) requested the City's assistance with the replacement of a water taxi stop dock formally managed and maintained by Broward County in advance of the 2008 Fort Lauderdale International Boat Show. Because of short notice, FDOT issued a Temporary General Use Permit (permit) to the City which temporarily allowed for an ADA compliant water taxi dock to be installed provided the City entered into an Assignment and Assumption Agreement with the Water Taxi assigning the permit to the water taxi; the City complied and the dock was constructed. The permit expired at the end of April 2009 and the water taxi dock and its use continued.

The City was notified in September 2015 by FDOT stating the use of the water taxi was in violation of the terms of the 2002 Airspace Agreement. FDOT required the City to amend the 2002 public purpose agreement to reduce the leased area by 42 linear feet of seawall space (water taxi dock area) and execute a second agreement which provides

for the commercial use of the water taxi dock area. Lease fees for the second agreement were \$10,001 per year and the Water Taxi agreed to pay and has paid the lease fees and entered into a Revocable License Agreement with the City for the dock area.

The 2016 amended FDOT Airspace Agreement ("2016 Airspace Agreement") is set to expire on November 21, 2021. The new and retitled five (5) year Agreement is now titled "2021 Use and Occupancy Agreement" which is attached, in substantial form, as Exhibit 1.. Under the 2021 Use and Occupancy Agreement fees will increase to \$12,300 and the Water Taxi has once again agreed to reimburse the City for these fees. The Amended and Restated Revocable License, attached in substantial form as Exhibit 3, grants Water Taxi a license to use the premises under the 2021 Use and Occupancy Agreement as a water taxi stop.

Resource Impact

Revenue related to this agreement is included in the FY22 Budget in the account listed below:

<i>Funds available as of November 10, 2021</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE RECEIVED (Character)	AMOUNT
001-PKR090101-N900	Marine Facilities Administration	Misc Revenues – Miscellaneous Income	\$10,500	\$0	\$12,300
TOTAL AMOUNT →					\$12,300

Funds for this agreement in the amount of \$12,300 are available in the FY22 Budget in the account listed below:

<i>Funds available as of November 10, 2021</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
001-PKR090101-3313	Marine Facilities Administration	Services / Materials – Land Leases	\$181,974	\$136,649	\$12,300
TOTAL AMOUNT →					\$12,300

Strategic Connections

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

This item is a *Press Play Fort Lauderdale 2024* Initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a Healthy and Engaging Community

- Objective 1: Improve access to and enjoyment of our beach, waterways, parks and open spaces for everyone.

This item advances the Fast Forward Fort Lauderdale 2035 Vision Plan: 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 2: Be a community with high quality parks and recreational facilities that highlight the character of our City.

Resource Impact

There is no fiscal impact associated with this item.

Attachments

Exhibit 1 – 2021 Use and Occupancy Agreement

Exhibit 2 – 2016 Airspace Agreement

Exhibit 3 – Amended and Restated Revocable License

Prepared by: Jonathan Luscomb, Supervisor of Marine Facilities

Department Director: Phil Thornburg, Director Parks and Recreation