



## City of Hallandale Beach City Commission Agenda Cover Memo

<b>Meeting Date:</b>	June 20, 2017		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>  X	<b>Ordinance</b>	<b>Other</b>
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>
		X	<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b> <b>No</b>
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>
						X
<b>Account Balance:</b>	N/A		<b>Quasi Judicial:</b> <i>(Enter X in box)</i>	<b>Yes</b>		<b>No</b>
<b>Project Number :</b>	N/A		<b>RFP/RFQ/Bid Number:</b>	N/A		
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Strategic Plan Priority Area:</b> <i>(Enter X in box)</i>			
		X	<b>Safety</b> <input type="checkbox"/>			
			<b>Quality</b> <input checked="" type="checkbox"/>			
			<b>Vibrant Appeal</b> <input type="checkbox"/>			
<b>Sponsor Name:</b>	Eric Houston AICP, Transportation Planner		<b>Department:</b> Development Services	Keven Klopp, Development Services Director		

**Short Title:**

**A RESOLUTION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE “DISTRICT FOUR (4) AMENDMENT NUMBER FOUR (4) TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) LANDSCAPE INCLUSIVE MEMORANDUM OF AGREEMENT” TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS ON STATE ROAD 5 BETWEEN NORTHEAST 4TH COURT AND NORTHEAST 3RD STREET, AS IDENTIFIED IN EXHIBIT 2; PROVIDING FOR TRANSMITTAL TO THE FDOT; AND PROVIDING FOR AN EFFECTIVE DATE.**

## Summary

### **Background:**

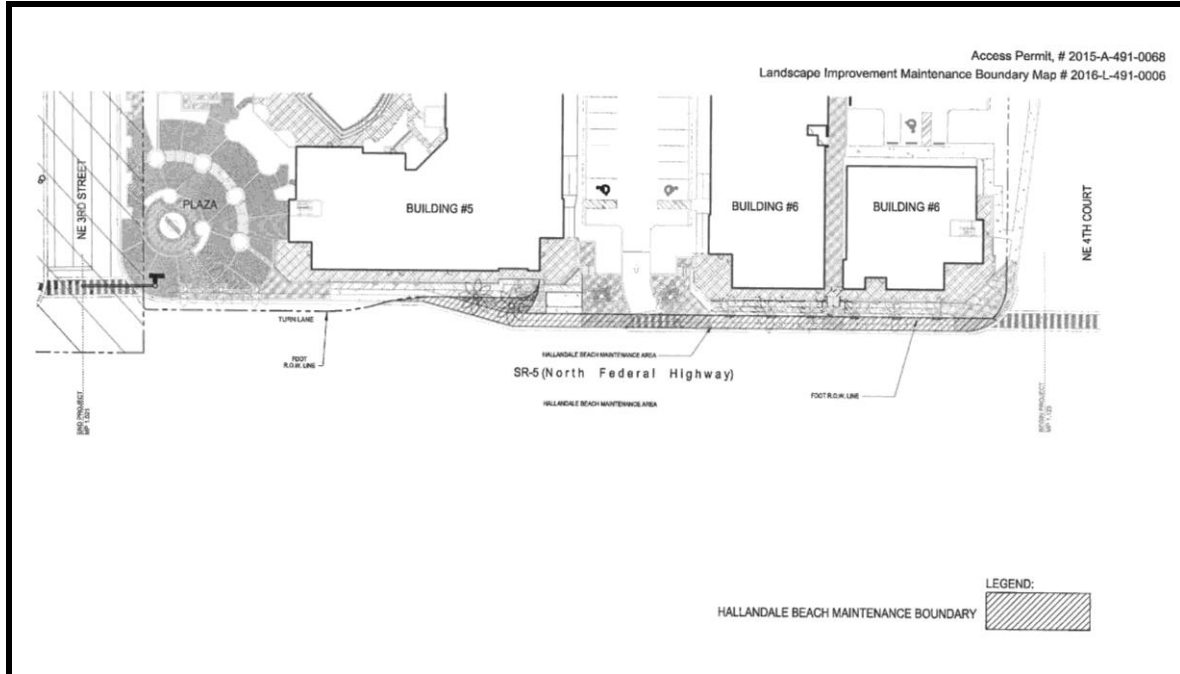
The Florida Department of Transportation (FDOT) requires the execution of a Maintenance Memorandum of Agreement (MMOA) prior to issuance of a permit to perform construction in the right-of-way of State Roads. FDOT has jurisdiction over State Roads A1A, 5 (U.S. 1), 9 (I-95), 824 (Pembroke Road) and 858 (Hallandale Beach Boulevard). This MMOA document assures that landscaping and irrigation installed located on those roadways, mostly in medians, will be properly maintained by the City.

The City entered into an Inclusive Maintenance Agreement with FDOT on March 29, 2013 in order to outline the maintenance of landscape improvements by the City on various State Roads. The inclusive agreement contained three different projects within it. The agreement has been amended three times since as landscape areas have been added, removed, or changed in some way. Each amendment to the agreement incorporates all existing MMOAs between the City of Hallandale Beach and the Florida Department of Transportation into one maintenance agreement.

### **Current Situation:**

Via the proposed Resolution (Exhibit1), FDOT and the City now seek to enter into a fourth (4<sup>th</sup>) amendment (Exhibit 2) to the March 29, 2013 agreement. This fourth amendment is necessary because the parties have agreed to add additional landscape to State Road 5 (US 1). An adjacent property owner -- Hallandale Land Ventures LLC (a.k.a. ArtSquare) -- will be constructing and maintaining additional landscape improvements on State Road 5 (US 1) between N.E 4<sup>th</sup> Court and N.E. 3<sup>rd</sup> Street. FDOT will not issue the permit for ArtSquare to do this work until the amendment is approved. The improvements being installed by the developer will result in a wider sidewalk with palm trees (see diagram below).

FDOT has given permission to the developer to make changes to the sidewalk subject to the maintenance agreement. The City will be responsible for maintaining the additional landscape improvements once they are completed. The changes to the landscaped sidewalks are not anticipated to create an additional maintenance cost for the City. The City will in turn hold ArtSquare responsible for the maintenance of the landscape in accordance with the City code which requires property owners to maintain the right-of-way improvements abutting their property.



*ArtSquare's landscape plan includes improvements in FDOT's Right-of-Way, as shown*

**Why Action is Necessary:**

Pursuant to Florida Department of Transportation procedures, a resolution approved by the City Commission is necessary in order to authorize the City Manager to execute amendments to the Maintenance Memorandum of Agreement.

**Proposed Action:**

Staff recommends the City Commission approve the attached resolution authorizing the City Manager to execute the proposed fourth amendment to the Maintenance Memorandum of Agreement with the Florida Department of Transportation for the construction and maintenance of additional landscape improvements by the developer of ArtSquare on State Road 5 (US 1) bounded by N.E. 4<sup>th</sup> Court and N.E. 3<sup>rd</sup> Street; and providing an effective date.

**Attachment(s):**

Exhibit 1 – Resolution

Exhibit 2 – Proposed Amendment to the Maintenance Memorandum of Agreement

Prepared by:

*Eric L. Houston*  
Eric L. Houston

*Keven Klopp*  
Keven Klopp