



Cover Memorandum/Staff Report

File #: 25-053

Agenda Date: 1/21/2025

Item #: 6.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: January 21, 2025

ACCEPTANCE OF A LANDSCAPE MAINTENANCE AGREEMENT FOR A PORTION OF THE ATLANTIC CROSSING DEVELOPMENT WHERE ADJACENT TO EAST ATLANTIC AVENUE.

Recommended Action:

Acceptance of a Landscape Maintenance Agreement (LMA) for a portion of the Atlantic Crossing development where adjacent to East Atlantic Avenue.

Background:

These documents are ministerial and serve to implement the approved design; there are no changes to the Atlantic Crossing development in this action.

Atlantic Crossing, a mixed-use development located along the north side of East Atlantic Avenue between NE 6th Avenue/North Federal Highway and Veteran's Park, was approved in 2014 and includes landscaping improvements located within the public right-of-way. Such improvements require the approval of a Landscape Maintenance Agreement (LMA). A LMA for the Atlantic Crossing development was accepted by the City Commission in 2018, and included the entire length of the development fronting onto East Atlantic Avenue. However, given that there were and remains two individual owners of each of the Phases, which are also platted as separate tracts, two separate LMAs for the East Atlantic Avenue improvements is more appropriate. The subject LMA serves to correct / supersede the original approval with the accurate property owner for the portion of the development located between NE 7th Avenue and Veteran's Park. The property owner at the time of the original LMA approval, Edwards Intracoastal, LLC, remains the current property owner.

The LMA is an agreement between the property owner and the City of Delray Beach (City). When such improvements are located within a public right-of-way owned by the Florida Department of Transportation (FDOT), a LMA inclusive of a Maintenance Memorandum of Agreement (MMA) is also required. The MMA is an agreement between the City and FDOT. The requirement for an MMA began in 2012. Upon approval of the LMA, the City Manager will execute the MMA.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable to request.

Timing of Request:

Approval of the LMA will allow for the City Manager to sign the MMOA between the City and the State of Florida.