

MEMORANDUM

TO: MAYOR AND CITY COMMISSIONERS

FROM: TIM STILLINGS, DIRECTOR OF PLANNING AND ZONING

THROUGH: DONALD B. COOPER, CITY MANAGER

DATE: APRIL 6, 2016

**SUBJECT: AGENDA ITEM #
ACCEPT A LANDSCAPE MAINTENANCE AGREEMENT AND HOLD
HARMLESS AGREEMENT FOR PLANTINGS PROPOSED IN THE STATE
RIGHT-OF-WAY OF ATLANTIC AVENUE AND CITY RIGHT-OF-WAY OF NW
6TH AVENUE, NW 7TH AVENUE, NW 8TH AVENUE, AND NW 9TH AVENUE**

ITEM BEFORE THE BOARD

The action requested of the City Commission is to approve the Landscape Maintenance Agreement and Hold Harmless Agreement for the plantings within the State Right-of-Way of Atlantic Avenue and City Right-of-Way of NW 6th Avenue, NW 7th Avenue, NW 8th Avenue, and NW 9th Avenue associated with the Uptown Atlantic development, located on the south side of Atlantic Avenue between NW 6th Avenue and NW 9th Avenue.

BACKGROUND AND ANALYSIS

The Landscape Maintenance and Hold Harmless Agreements are associated with the construction of a new mixed-use development consisting of 17, 267 square feet of office space, 6,099 square feet of restaurant space, 43,162 square feet of commercial/retail space, and 112 multiple family dwelling units in accord with a Class V Site Plan Modification. At its meeting of December 9, 2015, the Site Plan Review and Appearance Board (SPRAB) approved the Site Plan and Landscape Plan, subject to the approval and recordation of the Landscape Maintenance and Hold Harmless Agreements. The proposed plantings within the State Right-of-Way of Atlantic Avenue and City Right-of-Way of NW 6th Avenue, NW 7th Avenue, NW 8th Avenue, and NW 9th Avenue consists of Royal Palms, Montgomery Palms, Live Oaks, Aechmea 'Alvarez' bromeliads, Imperial bromeliads, Green Island Ficus, and Jasmine. The property owner will be responsible for maintaining this plant material for perpetuity. The developer will be initiating a revision to the existing Maintenance Memorandum of Agreement (MMA) with the Florida Department of Transportation (FDOT). This agreement will be amended by the City upon approval of the attached agreements. The attached agreements have been reviewed and approved by the City Attorney's Office for legal form and sufficiency and is now before the City Commission for approval.

RECOMMENDED ACTION

Accept the Landscape Maintenance and Hold Harmless Agreements to allow landscaping in the State Right-of-Way of Atlantic Avenue and City Right-of-Way of NW 6th Avenue, NW 7th Avenue, NW 8th Avenue, and NW 9th Avenue.

Attachment: Landscape Maintenance Agreement

Exhibit A – Legal Description (supporting document for LMA)

Exhibit B – Landscape Plan (supporting document for LMA)