



## Legislation Text

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**File #:** 18-449, **Version:** 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** August 21, 2018

ACCEPTANCE OF LANDSCAPE MAINTENANCE AND HOLD HARMLESS AGREEMENTS WITH EDWARDS ATLANTIC AVENUE, LLC ASSOCIATED WITH THE ATLANTIC CROSSING CLASS V SITE PLAN APPROVAL.

**Recommended Action:**

Motion to Accept the Landscape Maintenance and Hold Harmless Agreements with Edwards Atlantic Avenue, LLC, to install landscaping materials, construct landscape areas, and perform work in the FDOT right-of-way of East Atlantic Avenue and SE 6<sup>th</sup> Avenue.

**Background:**

Atlantic Crossing is located between NE 6<sup>th</sup> Avenue and Veterans Park and between East Atlantic Avenue and NE 1<sup>st</sup> Street. The approved landscape plan and site plan included the following work and improvements within the FDOT right-of-way of East Atlantic Avenue and SE 6<sup>th</sup> Avenue:

**South Side of East Atlantic Avenue:**

- Acceptance of a Landscape Maintenance Agreement and a Hold Harmless Agreement for the construction of landscape islands and the installation of landscaping and irrigation system within the right-of-way as shown on the plans.

**North Side of East Atlantic Avenue:**

- Acceptance of a Landscape Maintenance Agreement for the construction of a landscape strip between the curb and sidewalk, and installation of landscaping and irrigation system within the right-of-way as shown on the plans.
- Acceptance of a Hold Harmless Agreement for the relocation of two sewer lines and the landscape improvements associated with the Landscape Maintenance Agreement within the right-of-way as shown on the plans.

**East Side of NE 6<sup>th</sup> Avenue:**

- Acceptance of a Landscape Maintenance Agreement and a Hold Harmless Agreement for the construction of landscape islands and the installation of landscaping and irrigation system within the right-of-way as shown on the plans.

The proposed work and improvements within the right-of-way of East Atlantic Avenue and SE 6<sup>th</sup> Avenue are associated with the site plan approval for Atlantic Crossing. The required agreements must be accepted by the City Commission and recorded with the Palm Beach County Clerk's Office prior to issuance of associated vertical construction permits.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Approval of associated vertical construction permits is dependent on the acceptance of this item.