

Board of County Commissioners, Broward County, Florida
Environmental Protection and Growth Management Department
Planning and Redevelopment Division
DEVELOPMENT REVIEW REPORT

PROJECT DESCRIPTION

Agenda Number

Name:	THIRTEEN WEST LAS OLAS	Number:	029-MP-13
Applicant:	One West LOA, LLC	Comm. Dist.:	7
Agent:	Leigh Robinson Kerr & Associates, Inc.	Sec/Twp/Rng:	10-50-42
Location:	North Side of West Las Olas Boulevard, West of Andrews Avenue	Platted Area:	0.0339 Acres
City:	Fort Lauderdale	Gross Area:	N/A
Replat:	N/A		

LAND USE

Existing Use:	2,739 Sq. Ft. Commercial	Effective Plan:	Fort Lauderdale
Proposed Use:	12,000 Sq. Ft. Office and 1,700 Sq. Ft. Commercial	Plan Designation:	Regional Activity Center. See attached comments from the Planning Council.
Adjacent Uses:		Adjacent Plan Designations:	
North:	Commercial	North:	Regional Activity Center
South:	Museum	South:	Regional Activity Center
East:	Vacant	East:	Regional Activity Center
West:	Commercial	West:	Regional Activity Center
Existing Zoning:	RAC – CC	Proposed Zoning:	N/A

RECOMMENDATION (See Attached Conditions)

APPROVAL: Subject to staff recommendations and conditions which shall assure compliance with the standards and requirements of Chapter 5, Article IX, of the Broward County Code of Ordinances.

Meeting Date: 04/22/14
Action Deadline: 05/27/14
Deferral Dates:

Prepared: PK
Reviewed:
Approved:

Continued

SERVICES

Wastewater Plant:	G.T. Lohmeyer (01/14)	Potable Water Plant:	Ft. Lauderdale (03/06)
Design Capacity:	48.0000 MGD	Design Capacity:	90.0000 MGD
12-Mo. Avg. Flow:	39.1800 MGD	Peak Flow:	59.7000 MGD
Est. Project Flow:	0.0024 MGD	Est. Project Flow:	0.0039 MGD

Comments: Sufficient capacity exists at this time. Comments: Sufficient capacity exists at this time.

PARKS

SCHOOLS				
Dwelling Units	Impact Fee	Local:	Land Dedication	Impact Fee
N/A	N/A	Regional:	N/A	Admin. Fee
			County conducts no local review within municipalities	N/A
			N/A	N/A

TRANSPORTATION

Concurrency Zone: Eastern Core	Trips/Peak Hr	Transit Concurrency Fee	Road/Admin. Fee
Res. Uses:	N/A	N/A	N/A
Non-res. uses:	57	*	N/A
Total:	57	*	N/A

* See Staff Comment No. 3

See Finding No. 1

* See Staff Recommendation No. 6

THIRTEEN WEST LAS OLAS
029-MP-13

STAFF COMMENTS

- 1) Staff findings and recommendations pertaining to this plat are based on the use being 12,000 square feet of Office and 1,700 square feet of Commercial use.
- 2) Trafficways approval is valid for 10 months. Approval was received on October 24, 2013.
- 3) This plat is located within a Transportation Concurrency Management Area. Transportation concurrency fees will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval. These fees shall be based on the gross square footage of any building(s) as defined in the ordinance.
- 4) At the time of plat application, a 2,739 square foot commercial building existed on this site, which has since been demolished. In accordance with the credit provisions of Section 5-182(a)(4) of the Land Development Code, this structure may be eligible for credit towards transportation concurrency fees, provided appropriate documentation is submitted and provided the demolition occurs within certain time periods. **No credit will be granted for demolition occurring more than eighteen (18) months prior to the review of construction plans submitted for County environmental review approval.**
- 5) This plat is not located in a wellfield zone of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.
- 6) Surface water management plans for this plat must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances. The surface water management licensing requirements of the Environmental Engineering and Licensing Section of the Broward County Environmental Licensing and Building Permitting Division must be met prior to any construction.
- 7) The Environmental Engineering and Licensing Section has advised that a Wastewater Collection/Transmission System License will be required prior to constructing, expanding, or altering either a gravity sanitary sewer, a sanitary force main, or a pump station, per Chapter 27, Article V of the Broward County Code of Ordinances regarding Water Resource Management. For additional information, please contact the Environmental Engineering and Licensing Section at 954-519-1483.
- 8) Review of available information by staff of the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division indicates that, at this time, there are no wetlands within the boundaries of the plat. Therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an

Continued

Environmental Resource License. Other activities, e.g., lake or canal excavation, regulated under Article XI of the Natural Resource Protection Code may require a license. The applicant is encouraged to contact the Aquatic and Wetland Resources Section at 954-519-1483 at the earliest time to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.

- 9) The Aquatic and Wetland Resources Section encourages that all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species be removed during the development process, and advises that a management plan may be necessary to control re-invasion of same. In addition, landscape materials should not include any plants considered to be invasive of South Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Aquatic and Wetland Resources Section of the Environmental Licensing and Building Permitting Division.
- 10) This site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the Inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. This Inventory may be accessed at: <http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c> and provides information regarding the ownership and management for each of the Protected Natural Lands.
- 11) Review of aerial photographs indicates that the subject site contains tree canopy. If trees are to be removed or relocated, development of the site must comply with the Tree Preservation Regulations of the City of Fort Lauderdale. The applicant is encouraged to minimize the number of trees to be removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.
- 12) Any discharges to ground or surface waters, excluding stormwater, will require review and approval by the Environmental Engineering and Licensing Section of the Environmental Licensing and Building Permitting Division prior to discharge.
- 13) A Storage Tank License may be required if there will be fuel storage associated with an emergency generator system. Contact the Pollution Prevention, Remediation and Air Quality Division at 954-519-1260 for specific license requirements.
- 14) Plat approval does not infer any approval to connect to any wastewater collection, treatment, or disposal system. Nor does it infer that sufficient capacity will exist at time of building permit approval. Approval to connect to such systems is approved by the Environmental Licensing and Building Permitting Division as a prerequisite to, and just prior to, approval of building permits by the appropriate building department for any structures that are to be built on the platted site. These comments do not indicate waiver of approval of any other permit that may be required for other aspects of the project.

Continued

- 15) This property is within 20,000 feet of Fort Lauderdale-Hollywood International Airport. Any proposed construction on this property or use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 and/or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA web page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-2291.
- 16) The Broward County Historical Commission staff previously reviewed this application on October 13, 2013, and determined that the property contained one historic structure, i.e., the Weidling Building, (Florida Master Site File (FMSF) 8BD1366 alt. 8BD4307), also recorded as Site No. 96 within the Broward County Land Use Plan, Cultural Resource Map Series: Local Area of Particular Concern - Historic Sites. The property is also located within the North Bank New River Archaeological Zone, an area identified as having high potential for archaeological discovery.

Based on these findings, the Broward County Historical Commission staff suggested that a Cultural Resource Assessment Survey (CRAS), also known as a Phase I Survey, be done either prior to or in conjunction with the development of the project, for the purpose of locating, identifying, and evaluating cultural resources present in a defined Area of Potential Effect (APE). Evaluations were to be in terms of eligibility for inclusion in the National Register of Historic Places and/or local historic listings. The survey was to address the effect of the proposed project on the identified archaeological and historic resources, be conducted by a qualified professional per 36 SFR part 61 (as amended), and conform to the Florida Division of Historical Resources, Cultural Resource Management Standards. The results of the CRAS were to be forwarded to the Broward County Historical Commission in order to assist that office in determining measures that must be taken to avoid, minimize, or mitigate adverse impacts to the archaeological and historic resources eligible for local and/or National Register listing.

Subsequent to this prior review, the Weidling Building was demolished. The BCHC staff considers the unmitigated demolition of the Weidling Building, Broward County LAPC: Historic Site # 96 is a significant loss to the historic fabric and landscape of Broward County and the City of Fort Lauderdale.

The Broward County Historical Commission staff continues to suggest that a Cultural Resource Assessment Survey be done either prior to or in conjunction with the development of the project. However, the Cultural Resource Assessment Survey is not a requirement of the Land Development Code because even though this plat also is located in the North Bank New River Archaeological Zone, it is not a designated archaeological Cultural Resource Local Area of Particular Concern within the Broward County Land Use Plan, and the Code does not provide any protection for historic cultural resource sites that are not also designated as archaeological within the Broward County Land Use Plan.

Continued

In the event that archaeological features or artifacts are discovered during the course of the survey, the Historical Commission must be notified within 24 hours of the discovery and the discovery shall be reported pursuant to Section 5-305, Ordinance No. 92-38 entitled Protection and Preservation of Archaeological Sites Discovered During the Development Process. A final survey report shall be completed and submitted to the Broward County Historical Commission for review and comment. If any unmarked human burial remains are discovered, then work in the vicinity of the burial find must halt immediately until a determination can be made pursuant to FS Chapter 872, by either the state archaeologist or the county medical examiner, regarding the disposition of the remains. Should this occur, Broward County Historical Commission staff should be contacted immediately at 954-357-5506 to facilitate the coordination of the find. For additional information regarding the Cultural Resource Assessment Survey and to obtain a list of qualified archeologists to perform the survey, contact Matt DeFelice at 954-357-5506 or at mdefelice@broward.org. See the attached comments received from the Historical Commission.

- 17) This site is currently serviced on Andrews Avenue by BCT Routes #11, #30, #40, and the US 1 Breeze.
- 18) This plat is subject the Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center, as recorded at Official Record (O.R.) Book 34094, Pages 1407-1412, B.C.R. Section 2.1 of the Agreement requires the City to monitor development activity and to enforce permitted land use densities and intensities within the Regional Activity Center. See the attached comments and agreement received from the Broward County Planning Council.
- 19) The applicant is advised that in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

FINDINGS

- 1) This plat is located within the Eastern Core Transportation Concurrency Management Area. This district meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Land Development Code.
- 2) This plat satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Broward County Land Development Code.

STAFF RECOMMENDATIONS

FLORIDA STATUTE CHAPTER 177 REQUIREMENTS

Complete the following corrections to the plat mylar to comply with the requirements of Florida Statutes Chapter 177 as outlined below:

1) SURVEY DATA

- A) The legal description in the title opinion or certificate must match the legal description on the plat. The plat drawing must follow the legal description.
- B) Add a label for the north line of the plat that corresponds to the description.
- C) Identify the corner that the FOUND 1/2" IRON PIPE & CAP LB#3870 north of this plat is offset 10.00' east of.
- D) Show bearing – distance dimensions on the north and west lines of PARCEL "A" per P.B. 117, PG. 191, B.C.R.
- E) Revise the detail sketch to include the FOUND NAIL & DISK #285 which is 3 feet south of the southeast plat corner to clarify which plat corner the monument is 3.00' south of.
- F) Plot the detail sketch to a standard engineering scale as per Broward County Code of Ordinances, Part II, Chapter 5-189(a)(31).
- G) Review the label for the line identified as being the EAST LINE WEST 25' LOTS 19 & 20. It appears to be the east line of the west **45'** of said lots. Revise as necessary.
- H) The platting surveyor must submit Certified Corner Records for section corners used in preparation of the plat to both the State and Broward County. County staff will confirm submittal to the State prior to plat recordation. For section corners which have Certified Corner Records on file, the surveyor must submit an affidavit confirming that the Section corner was found to be substantially as described in the most recently available certified corner record. Standard affidavit forms are available from the County Surveyor's Office.
- I) The surveyor must submit digital plat information after all corrections are completed and Highway Construction and Engineering Division staff requests digital information.

2) RIGHT-OF-WAY DELINEATION AND DEDICATION LANGUAGE

- A) Address any easements, rights-of-way, or specific purpose parcels to be created by this plat in the Dedication language.
- B) Proposed right-of-way must be clearly labeled and dedicated by the plat, if applicable.

Continued

- C) All proposed easements must be clearly labeled and dimensioned, if applicable.

3) TITLE CERTIFICATION AND DEDICATION SIGNATURE BLOCKS

- A) The title certificate or an attorney's opinion of title must be updated to reflect a comprehensive search of the Public Records within 30 days prior to plat recordation. If the updated title shows any change to property ownership, then a new dedication on the plat mylar must be executed by the new owner(s) with the proper acknowledgements. If the updated title shows any changes to or additional mortgage holders, then a new Mortgagee consent must be executed with the proper acknowledgements.
- B) The title must be updated for review of any agreements and the recordation process. Standard format for Title Certificates, Opinions of Title, the Adjacent Right of Way Report, and a Guide to Search Limits of Easements and Right of Way may be obtained by contacting the Highway Construction & Engineering Division or by visiting our web site: <http://bcegov2.broward.org/bcengineering/index.asp>.
- C) All record owners must execute the plat with original signatures. For property owned by an individual (or by individuals), the plat must be executed in the presence of two witnesses for each signature. Property owned by corporations must be executed by at least one of the following officers: the President, Vice President, or Chief Executive Officer together with either (i) two witnesses or (ii) the Corporate Seal. A plat which has been executed by any officer other than the President, Vice President, or Chief Executive Officer must also provide documentation authorizing the individual(s) who executed the plat. The officers executing a plat must be verified through the Florida Department of State, or by the applicant providing corporate documentation. Persons executing plats owned by a partnership or a trust must provide documentation clearly demonstrating their authority to execute on behalf of the partnership or trust.
- D) All mortgagees must execute the plat with original signatures, seals, and witnesses.
- E) Acknowledgments and seals are required for each signature.

4) DRAFTING AND MISCELLANEOUS DATA

- A) Address any undefined abbreviations or symbols used on the plat or added during revision. Remove any abbreviations and symbols from the Legend that do not appear on the plat. Add any missing abbreviations and symbols to the Legend that appear on the plat or are added during revisions.
- B) Show the Planning and Redevelopment Division file number **"029-MP-13"** inside the border on the lower right hand corner on each page.

Continued

5) HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION INTERNAL PROCEDURES

The following items are required for plat recordation but are completed by County staff:

- A) Planning Council Executive Director Signature.
- B) Completion of Security Table and PLMASTER Data Base Inputs; Reports Printed.
- C) County Surveyor Sign-off.
- D) P.R.M.s Verified.
- E) Development Order, Planning and Redevelopment Director Signature.
- F) Highway Construction and Engineering Director Signature.

NOTE: Additional changes made to the original plat mylar beyond the above list of corrections may cause delays in review and recordation, and may result in additional review fees.

GENERAL RECOMMENDATIONS

- 6) Applicant must pay transportation concurrency fees during the review of construction plans submitted for County environmental review approval by the Development Management and Environmental Review Section of the Planning and Redevelopment Division, in accordance with the fee schedule specified in the Land Development Code.
- 7) This plat will not be recorded until all real estate taxes (including taxes for the current year and any delinquent taxes) for the property being platted have been paid as required by Florida Statutes Chapter 197.192. The applicant must submit a current tax letter from the Revenue Collection Division providing proof of payment.
- 8) Place a note on the face of the plat, preceding the designated municipal official's signature, reading:

No building permits shall be issued for the construction, expansion, and/or conversion of a building within this plat until such time as the developer provides this municipality with written confirmation from Broward County that all applicable concurrency/impact fees have been paid or are not due.
- 9) Place a note on the face of the plat reading:
 - A) If a building permit for a principal building (excluding dry models, sales and construction offices) and first inspection approval are not issued by **April 22, 2019**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a

Continued

subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or

- B) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **April 22, 2019**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

- 10) Place a note on the face of the plat reading:

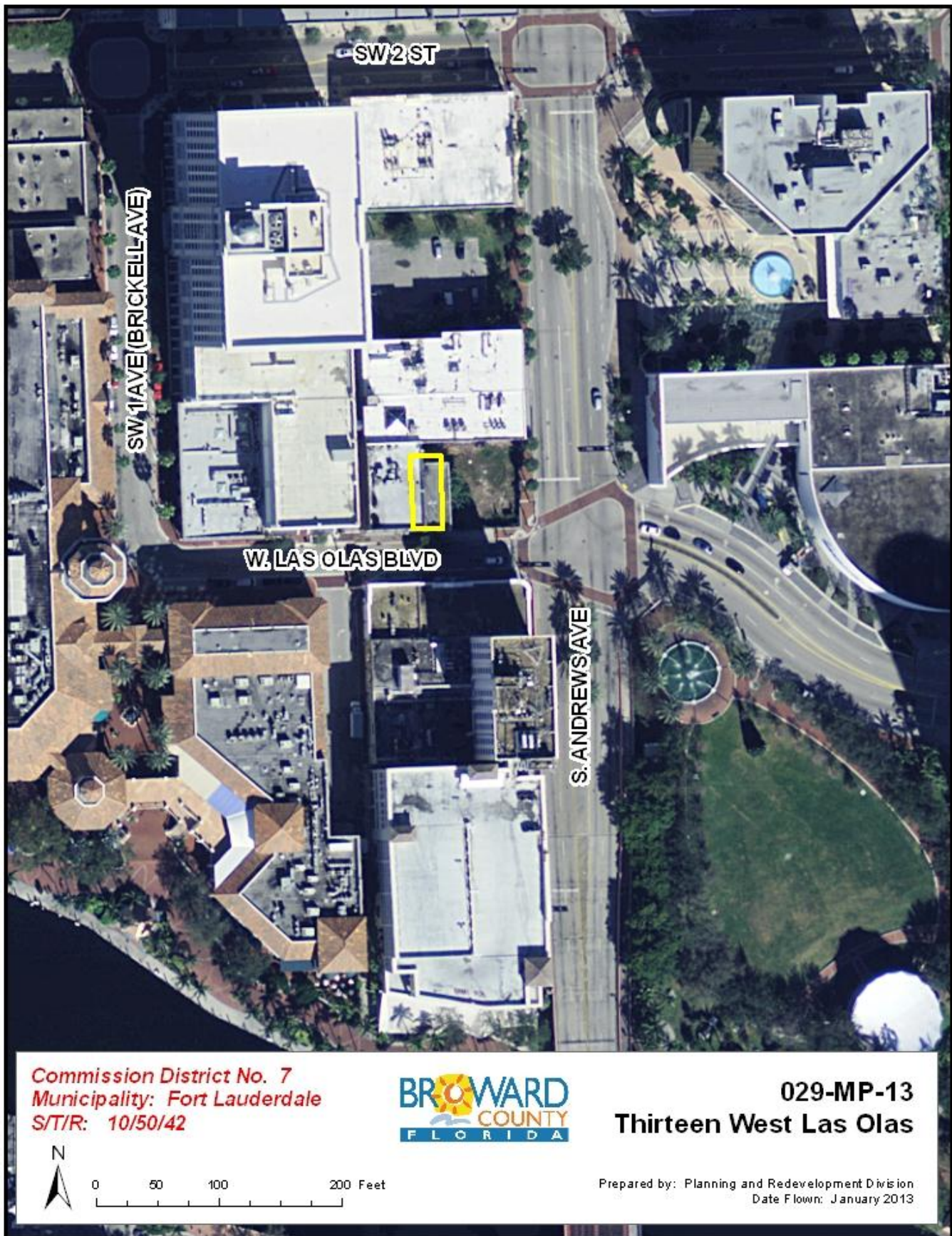
This plat is restricted to 12,000 square feet of office and 1,700 square feet of commercial use. Banks are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts.

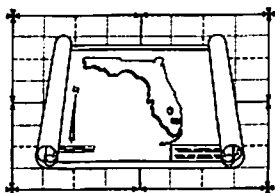
This note is required by Chapter 5, Article IX, Broward County Code of Ordinances, and may be amended by approval of the Broward County Board of County Commissioners. The notation and any amendments thereto are solely indicating the approved development level for property located within the plat and do not operate as a restriction in favor of any property owner including an owner or owners of property within this plat who took title to the property with reference to this plat.

Any structure within this plat must comply with Section IV D.1.f., Development Review Requirements, of the Broward County Land Use Plan, regarding hazards to air navigation.

- 11) If this item is approved, authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments, and recommendations.

Continued





BROWARD COUNTY PLANNING COUNCIL

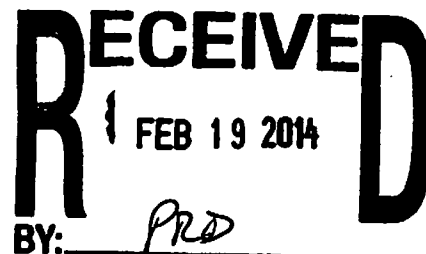
115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

TO: Henry A. Sniezek, Director
Planning and Redevelopment Division
Broward County Environmental Protection and Growth Management Department

FROM: Barbara Blake Boy, Executive Director

RE: Thirteen West Las Olas (029-MP-13)
City of Fort Lauderdale

DATE: February 18, 2014



This memorandum updates our previous comments regarding the referenced plat dated October 1, 2013.

The Future Land Use Element of the City of Fort Lauderdale Comprehensive Plan is the effective land use plan for the City of Fort Lauderdale. That plan designates the area covered by this plat for the uses permitted in the "Downtown Fort Lauderdale Regional Activity Center" land use category. This plat is generally located on the north side of Las Olas Boulevard, between South Andrews Avenue and Southwest 1 Avenue/Brickell Avenue.

Regarding the proposed office and commercial uses, this plat is subject to the executed "Interlocal Agreement for the Monitoring of Development Activity and Enforcement of Permitted Land Uses in Regional Activity Center," as recorded in Official Record Book 34094, Pages 1407-1412.

The effective land use plan shows the following land uses surrounding the plat:

North: Downtown Fort Lauderdale Regional Activity Center
South: Downtown Fort Lauderdale Regional Activity Center
East: Downtown Fort Lauderdale Regional Activity Center
West: Downtown Fort Lauderdale Regional Activity Center

The contents of this memorandum are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, local zoning, other land development regulations or the development review requirements of the Broward County Land Use Plan including its concurrency requirements.

BBB:DBT

cc: Lee Feldman, City Manager
City of Fort Lauderdale

Greg Brewton, Director, Department of Sustainable Development
City of Fort Lauderdale

CFN # 102410538, OR BK 34094 Page 1407, Page 1 of 6, Recorded 11/13/2002 at 01:11 PM, Broward County Commission, Deputy Clerk 2000

Return recorded document to:

Sharon L. Cruz, Deputy County Attorney
Broward County Attorney's Office
115 S. Andrews Avenue, Rm 423
Ft. Lauderdale, FL 33301

Document prepared by:

Sharon L. Cruz, Deputy County Attorney
Broward County Attorney's Office
115 S. Andrews Avenue, Rm 423
Ft. Lauderdale, FL 33301

~~THIS IS NOT AN OFFICIAL COPY~~
INTERLOCAL AGREEMENT FOR THE
MONITORING OF DEVELOPMENT ACTIVITY AND
ENFORCEMENT OF PERMITTED LAND USES
IN REGIONAL ACTIVITY CENTER

This is an Interlocal Agreement made and entered into by and between:
BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to
as "COUNTY,"

AND

CITY OF FORT LAUDERDALE, a Florida municipal corporation, created and
existing under the laws of the state of Florida, hereinafter referred to as "CITY."

WHEREAS, this Agreement is entered into pursuant to § 163.01, Florida Statutes,
also known as the "Florida Interlocal Cooperation Act of 1969"; and

WHEREAS, it is the purpose and intent of the parties to this Interlocal Agreement,
to permit COUNTY and CITY to make the most efficient use of their respective powers,
resources and capabilities by enabling them to cooperate on the basis of mutual advantage
and thereby accomplish the objectives provided for herein in the manner that will best
accord with the existing resources available to each of them and with the needs and
developments within their respective jurisdictions; and

WHEREAS, the density and intensity of land uses permitted within each Regional
Activity Center (RAC) is specified within the Broward County Land Use Plan; and

WHEREAS, CITY has the Fort Lauderdale Central Beach Regional Activity Center,
Downtown Fort Lauderdale Regional Activity Center, Northwest Fort Lauderdale Regional
Activity Center and the South Fort Lauderdale Regional Activity Center (RAC's) within its
jurisdiction; and

1

Approved BCC 10/22/02 * 33

Submitted By Co-Attorney

RETURN TO DOCUMENT CONTROL

NC

WHEREAS, CITY and COUNTY entered into a Memorandum of Understanding on August 14, 2001 providing for the mechanism for the allocation of available residential dwelling units in all regional activity centers at the time of site plan approval; and

WHEREAS, the Memorandum of Understanding continues in full force and effect; and

WHEREAS, CITY and COUNTY wish to provide that the monitoring of development activity and the enforcement of permitted land uses shall be the responsibility of CITY, NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and CITY agree as follows:

ARTICLE 1

BACKGROUND, PURPOSE AND INTENT

1.1 The above recitals are true and correct and incorporated herein as if set forth in full hereunder.

1.2 It is the purpose and intent of this Interlocal Agreement for COUNTY and CITY, pursuant to Section 163.01, Florida Statutes, to cooperate and provide for a means by which each governmental entity may exercise its respective powers, privileges and authorities which they share in common and which each might exercise separately in order to further a common goal.

ARTICLE 2

MONITORING OF DEVELOPMENT ACTIVITY

2.1 CITY agrees to monitor development activity and to enforce permitted land use densities and intensities within the RAC's consistent with the effective land use plan as certified by the Broward County Planning Council.

2.2 CITY agrees to submit quarterly reports to the Broward County Planning Council setting forth its monitoring and enforcement activities within the RAC's to enable COUNTY to ensure that the density and intensity of land uses within the RAC's are being complied with by CITY.

ARTICLE 3

INDEMNIFICATION

CITY is a state agency as defined in Chapter 768.28, Florida Statutes, and COUNTY is a political subdivision of the State of Florida. Each agrees to be fully responsible for acts and omissions of their elected officials, agents or employees to the extent permitted by law. Nothing herein is intended to serve as a waiver of sovereign immunity by any party to

which sovereign immunity may be applicable. Nothing herein shall be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement or any other contract.

ARTICLE 4
MISCELLANEOUS

- 4.1 **Joint Preparation:** The preparation of this Interlocal Agreement has been a joint effort of the parties hereto and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.
- 4.2 **Entire Agreement and Modification:** This Interlocal Agreement incorporates, supersedes and includes all prior negotiations, correspondence, conversations, agreements or understanding applicable to the matter contained herein. It is further agreed that no change, alteration or modification in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.
- 4.3 **Records:** In accordance with the Public Records Law, CITY agrees to permit COUNTY to examine all records and grants COUNTY the right to audit any books, documents and papers that were generated during the course of administration of the "Site". CITY shall maintain the records, books, documents and papers associated with this Interlocal Agreement in accordance with the Public Records Act.
- 4.4 **Recordation/Filing:** This Agreement shall be recorded in the public records of Broward County, in accordance with the Florida Interlocal Cooperation Act of 1969.
- 4.5 **Default:** In the event of any default or breach of any of the terms of this Interlocal Agreement, it is specifically acknowledged and agreed that either party shall, in addition to all other remedies which may be available in law or equity, have the right to enforce this Interlocal Agreement by specific performance, injunctive relief, prohibition or mandamus to compel the other party to abide by the terms of this Interlocal Agreement.
- 4.6 **Notices:** Whenever either party desires to give notice unto the other, such notice must be in writing, sent by certified United States mail, return receipt requested, addressed to the party for whom it is intended at the place last specified; and the place for giving of notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice:

FOR COUNTY:

Administrator
Broward County Planning Council
115 S. Andrews Avenue, Rm. 307
Fort Lauderdale, Florida 33301-4801

FOR CITY:

City Manager
City of Fort Lauderdale
100 North Andrews Avenue
Fort Lauderdale, Florida 33301

THIS IS NOT AN
OFFICIAL COPY

4.7 Choice of Law: Waiver of Jury Trial: Any controversies or legal problems arising out of this transaction and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Seventeenth Judicial Circuit of Broward County, Florida, the venue situs, and shall be governed by the laws of the State of Florida. To encourage prompt and equitable resolution of any litigation that may arise hereunder, each party hereby waives any rights it may have to a trial by jury of any such litigation.

4.8 Conflict: In the event that this Interlocal Agreement conflicts with any other agreement pertaining to the monitoring of development activity and the enforcement of the density or intensity of permitted land uses within the RAC's, CITY and COUNTY agree that the terms and conditions contained in this Interlocal Agreement shall prevail.

4.9 Counterpart Originals: The parties agree that this Agreement may be executed in counterparts, and that collectively the counterparts shall be considered an original agreement and shall be deemed legally sufficient and binding upon the parties.

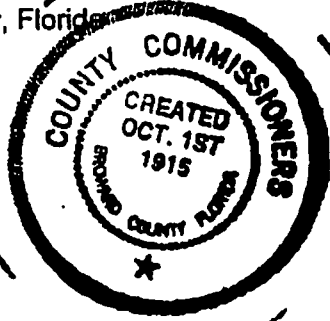
[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the 22nd day of October, 2002 and CITY of FORT LAUDERDALE signing by and through its Mayor City Manager, duly authorized to execute same.

COUNTY

ATTEST:

[Signature]
County Administrator and
Ex-Officio Clerk of
the Board of County
Commissioners of Broward
County, Florida

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERSBy *[Signature]*

Chair

22nd day of October, 2002.

Approved as to form by
Office of County Attorney
Broward County, Florida
EDWARD A. DION, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By *[Signature]*

Sharon L. Cruz
Deputy County Attorney

INTERLOCAL AGREEMENT FOR MONITORING OF DEVELOPMENT ACTIVITY AND
ENFORCEMENT OF PERMITTED LAND USES IN REGIONAL ACTIVITY CENTER

CITY

WITNESSES:

CITY OF FORT LAUDERDALE

Salim B. Ali
By *[Signature]* Mayor-Commissioner
Honorable Brachatt Bunk
ATTEST: *[Signature]* CITY Clerk
[Signature] CITY Manager

26 day of September, 2002.

25th day of Sept., 2002.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By *Sharon P. Miller*
asst CITY ATTORNEY

sic/wpd
07/02/02
H:\DATA\DIV2\SLC\Sic02\FtLaudRAC.a01.wpd
#01-401.24



Our Best.
Nothing Less.

LIBRARIES DIVISION • Historical Commission

301 Harmon (S.W. 13th) Avenue • Fort Lauderdale, Florida 33312 • 954-357-5553 • FAX 954-357-5522

February 24, 2014

Howard Clarke
Broward County Development and Environmental Regulation Division
One North University Drive, Building A
Plantation, Florida 33324

**Re: Broward County Historical Commission Review
Thirteen West Las Olas, Plat No. 029-MP-13**

Dear Mr. Clarke:

I have had an opportunity to review materials relative to **Thirteen West Las Olas, Plat No. 029-MP-13**.

A review of materials including archival documents, maps, the Broward County Land Use Plan and the Florida master Site File (FMSF) indicate that **until recently** the proposed plat amendment contained one (1) historic structure - the Weidling Building (FMSF 8BD1366 alt. 8BD4037), also recorded as site #96 within the Broward County Land Use Plan, Cultural Resource Maps Series: Local Areas of Particular Concern- Historic Sites.

In addition, the plat amendment contains one (1) Historic Resource Group - South Andrews Avenue (FMSF 8BD4374); one (1) archaeological zone - the North Bank New River Archaeological Zone. The plat amendment is located within the *North Bank New River Archaeological Zone (Zone)*, an area identified as having high potential for archaeological discovery.

On October 1, 2013, the BCHC review a plat amendment application for Thirteen West Las Olas (029-MP-13) found that the Weidling Building was a significant example of poured-concrete commercial construction indicative of changing technologies and building materials of its era as response to the 1910 Fort Lauderdale fire which devastated the wooden structures that comprised the City's pre-1910 commercial core.

The BCHC recommended Cultural Resource Assessment Survey (CRAS) in coordination with the proposed plat amendment and site planning procedure with the purpose of locating, identifying and evaluating cultural resources and the effect of the proposed plat amendment and development on identified archaeological and historic resources. The results were to be forwarded to the Broward County Historical Commission in order to assist this office in determining measures that must be taken to avoid, minimize, or mitigate adverse impacts to the archaeological and historic resources eligible for local and/or National Register listing.

Notwithstanding the BCHC review of October 1, 2013, no CRAS was conducted and the Weidling Building was demolished without consultation with the BCHC and with no clear intent to avoid, minimization or mitigate the demolition of the structure. The unmitigated demolition of the Weidling Building, Broward County LAPC: Historic Site # 96 is a significant loss to the historic fabric and landscape of Broward County and the City of Fort Lauderdale.

Broward County Board of County Commissioners

Sue Gunzburger • Dale V.C. Holness • Kristin Jacobs • Martin David Kiar • Chip LaMarca • Stacy Ritter • Tim Ryan • Barbara Sharief • Lois Wexler
www.broward.org

Current Recommendations

The plat amendment is situated adjacent to multiple recorded historical resources including the following:

Existing structures

The McRory Building (221 S Andrews Ave.) - Built 1936 (FMSF 8BD1308 alt. 1309, alt. 1367);
27 Sterling Place (27 Sterling Place) - Built 1924 (FMSF 8BD1368);
The "Drug Store" (301 S. Andrews Ave.) – Built 1928 (FMSF 8BD1312);
The Sweet Building (303-305 S Andrews Ave.) – Built 1926 (FMSF 8BD1313);
The Bryan Building (220-230 Brickell Block) – Built 1913 (FMSF 8BD1334)

Archaeological Zones

The North Bank New River Archaeological Zone. The plat amendment is located within the *North Bank New River Archaeological Zone (Zone)*, an area identified as having high potential for archaeological discovery. The New River served as a conduit for prehistoric and historic transportation, trade and resource procurement. At least 19 archaeological sites have been recorded along the Banks of the New River and include prehistoric (Tequesta), Seminole and pioneer period sites.

The Brickell Block site (FMSF 8BD2916) is located approximately 350 feet to the west. The site was excavated in 1995 and it yielded prehistoric and historic materials; the site potentially contains human remains.

Historic Resource Groups

Historic Resource Group - South Andrews Avenue (FMSF 8BD4374)

The Broward County Historical Commission requests a Cultural Resource Assessment Survey (CRAS), also known as a phase I survey in coordination with the proposed plat amendment and site planning procedure. The purpose of the study shall be to locate, identify and evaluate cultural and when necessary update existing records of cultural resources present in a defined Area of Potential Effect (APE).

Evaluations are in terms of eligibility for inclusion on the National Register of Historic Places and/or local historic listing. The survey should address the effect of the proposed project on the identified archaeological and historic resources in order to be considered complete. Survey shall be conducted by a qualified professional per *36 CFR part 61 (as amended)* and conform to the Florida Division of Historical Resources, Cultural Resource Management Standards such work.

Per Florida Rule 1A-46, an APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause changes in character or use of historic resources, if any such properties exist." Considering the proximity of the proposed plat amendment to extant historic resources the following APE has been established:

Western Boundary – Southwest 2nd Ave. (incl. west side)
Northern Boundary – Southwest 2nd Street (incl. north side)
Eastern Boundary – South Andrews Avenue (incl. east side)
Southern Boundary – New River (incl. south side)

The results of the survey should be forwarded to the Broward County Historical Commission in order to complete the reviewing process for this proposed project and its impacts. The results of the analysis will determine if significant resources would be disturbed by the project activities. In addition, if significant resources are located, the data described in the report(s) and the consultant's conclusions will assist this office in determining measures that must be taken to avoid, minimize, or mitigate adverse impacts to the archaeological and historic resources eligible for local and/or National Register listing.

In the event archaeological features or artifacts are discovered during the course of development, the Broward County Office of Planning *shall* be notified within twenty four (24) hours of the discovery and sufficient time provided to allow proper recordation, recovery, or preservation of the find (Broward Co. Florida Ord. 92-38).

If, in the event, any unmarked human burial remains are discovered, then work in the vicinity of the burial find is to halt immediately until a determination can be made, in accordance with Florida State Statutes, Chapter 872, by either the state archaeologist or the county medical examiner as to jurisdiction, custody, and disposition of the remains. Should this occur, this office is to be contacted immediately to facilitate the coordination of the find.

If you have any questions regarding these comments or would like additional information please contact me at the Broward County Historical Commission by telephone: (954) 357-5506, or email: mdefelice@broward.org.

Sincerely,
Matthew DeFelice, County Archaeologist

Ec: Laura Connors, Associate Director, Libraries Division
Peggy Davis, Manager, Libraries Division, Historical Commission
David Baber, Historic Preservation Coordinator, Libraries Division
Marty Berger, Planning Section Manager, Planning and Redevelopment Division

Attachments:
October 1, 2013 Broward County Historical Commission Plat Amendment Review of
Thirteen West Last Olas Plat No. 029-MP-13.