

SECTION: 86020000  
STATE ROAD: 5 (No Federal Hwy)  
COUNTY: BROWARD  
PERMIT: 2025-L-491-00007

**AMENDMENT NUMBER THIRTY-FOUR (34) TO  
FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT 4  
INCLUSIVE LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT**

This is **AMENDMENT NUMBER THIRTY-FOUR (34)** to the Agreement dated December 5, 2007, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by and between the **DEPARTMENT OF TRANSPORTATION**, a component agency of the State of Florida, hereinafter called the **DEPARTMENT**, and the **CITY OF POMPANO BEACH**, a municipal corporation of the State of Florida, hereinafter called the **AGENCY**.

**WHEREAS**, the parties entered into the Inclusive Landscape Maintenance Memorandum of Agreement dated December 5, 2007 (Original Agreement) for the purpose of the AGENCY maintaining the landscape improvements on various State Road(s) including **State Road 5 (No. Federal Highway)**; and

**WHEREAS**, the DEPARTMENT and the AGENCY have agreed to amend the Original Agreement for the purpose of adding additional landscape improvements **State Road 5 (No. Federal Highway)** in accordance with the Original Agreement; and

**WHEREAS**, the AGENCY seeks to install by permit and maintain certain landscape and hardscape improvements within the right of way on **State Road 5 (No. Federal Highway) from M.P. 11.408 to M.P. 11.518**, as described in **Exhibit "A"**; and

**WHEREAS**, the AGENCY is agreeable to maintaining the landscape improvements within the AGENCY'S limits, including plant materials, irrigation systems and/or hardscape (such as specialty surfacing, site furnishings, or other nonstandard items (if applicable), but excluding standard concrete sidewalk). The AGENCY agrees that such improvements shall be maintained by periodic mowing, fertilizing, weeding, litter pick-up, pruning, necessary replanting, irrigation repair and/or repair/replacement of the specialty surfacing, as needed; and

**NOW THEREFORE**, for and in consideration of mutual benefits that flow each to the other, the parties covenant and agree as follows:

1. Pursuant to paragraph 1, page 1 of Amendment Number Six (6) dated August 9, 2013, the DEPARTMENT will allow an adjacent property owner to construct additional landscape improvements or to modify an improvement located as indicated in **Exhibit "A"** on State Road 5 (No. Federal Highway) from M.P. 11.408 to M.P.11.518, in accordance with the plans attached as **Exhibit "B"**.

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2. The Original Agreement, as previously modified by Amendment #21, shall be modified as follows to revise the limits for State Road 5 (No. Federal Highway) as reflected in **Exhibit "A"** of this Amendment:
  - a. Previous limits: M.P. 7.262 to M.P. 11.025
  - b. New Limits as included in Amendment #34:
    - a. M.P. 7.262 to M.P. 10.811 (North and Southbound)
    - b. M.P. 10.811 to M.P. 11.518 (Southbound only)
3. The AGENCY shall agree to maintain the additional landscape improvements according to Exhibit "F" Maintenance Plan of the Original Agreement, and Amendment #34, as follows:

## **PART II.**

### **SPECIFIC PROJECT SITE MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS:**

1. Plan provides small accent street trees along the right of way in planter cutouts in paved plaza area. Low ground cover is proposed under each individual tree within planter cutouts in plaza area. Additional small accent trees and sod to be planted in right of way landscape areas that are not paved.
2. Canopy trees are intended to be maintained at mature height and spread with a 8.5' vertical clearance along sidewalk and a 14.5 vertical clearance along roadway. (Refer to Part I Pruning, for clear sight window and vertical clear zone pruning requirements.)
3. Remove suckering growth from base and clear trunk areas for single trunked trees on a quarterly basis.
4. To maintain the intended appearance of all shrubs or turf grass, apply the latest fertilizer recommended by the University of Florida IFAS Extension per the manufacturer's specifications.
5. Groundcover and shrub horizontal growth shall be maintained to prevent foliage from growing beyond the limits of the planting areas shown on the plan.
6. Juniperus chinensis 'Parsonii' shall be planted in planter cutouts within plaza area. Maintain the vertical height of juniper at 14" maximum.  
St Augustine sod shall be planted in right of way outside of paved walk and plaza areas. Grass to be maintained at 3"-4" in height
7. Inspect groundcovers and shrubs every 3 months to ensure full ground coverage.

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8. Evaluate plant material every 3 months for pests, diseases, drought stress or general decline. If required, follow the integrated pest management program established by the Agency to ensure healthy plants.
9. Concrete pavers shall be inspected every 4 months for the aesthetic appearance and safety conditions. Address any issues identified by repairing or replacing those specific locations. To maintain the overall aesthetic appearance and safety of the concrete pavers they shall be cleaned on a yearly basis to prevent mold, dirt, oil, and gum build up. Joints and cracks in concrete, patterned concrete or asphalt, concrete pavers, concrete curbs, expansion joints, catch basins, gutter areas, etc. shall be inspected every 4 months to keep those areas free of weeds.
10. Inspect the irrigation system performance on a monthly basis to ensure the system is providing 100% coverage, does not have sections of low pressure, heads and valves are clean and clear of debris and any damaged irrigation components (i.e., spray nozzles, spray heads, valve boxes, etc.) are repaired or replaced.

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**“CITY”**

**CITY OF POMPANO BEACH**

Signed by:

By: \_\_\_\_\_  
REX HARDIN, MAYOR

By: \_\_\_\_\_  
GREGORY P. HARRISON, CITY MANAGER

Date: \_\_\_\_\_

Attest:

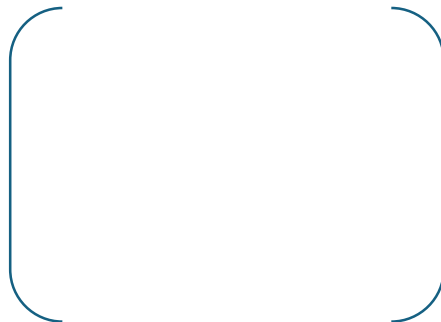
\_\_\_\_\_  
KERVIN ALFRED  
CITY CLERK

(SEAL)

Approved As To Form:

Signed by:

\_\_\_\_\_  
MARK E. BERMAN  
CITY ATTORNEY



SECTION: 86020000  
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**FLORIDA DEPARTMENT OF TRANSPORTATION SIGNATURE PAGE**

**By:** \_\_\_\_\_  
John P. Krane (or designee)  
Director of Transportation Development

**Date:** \_\_\_\_\_

**Attest:** \_\_\_\_\_  
Alia Chanel (or designee)  
Executive Secretary

**Legal Review:** \_\_\_\_\_  
Pamela G. Eidelberg (or designee)  
Office of the General Counsel

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**EXHIBIT A**

**LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARIES**

**I. LANDSCAPE MAINTENANCE LIMITS FOR AMENDMENT #34:**

State Road 5 (No. Federal Highway) approximately 300' south of NE 33<sup>rd</sup> Street from **(M.P. 11.408)** to **( M.P. 11.518)**

See Attached Map\*

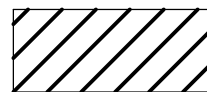
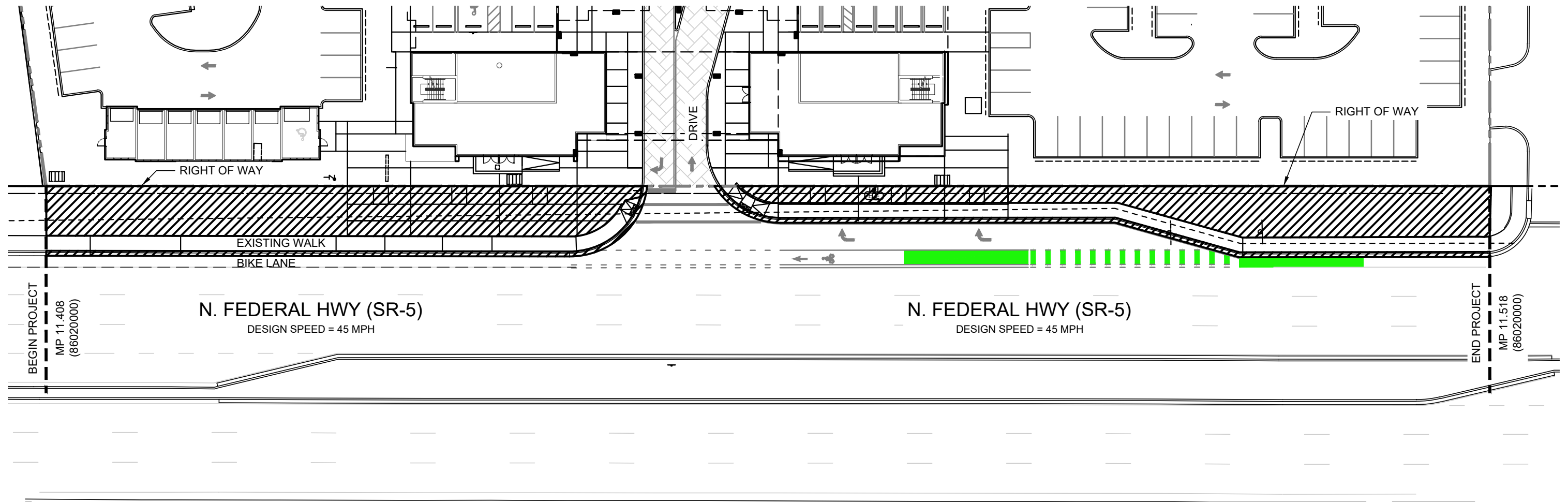
**II. MODIFIED INCLUSIVE AGREEMENT LIMITS FOR STATE ROAD 5  
(No. Federal Highway) AS AMENDED HEREIN:**

**State Road 5** (No. Federal Highway) **North and Southbound** from **M.P. 7.262** (South of McNab Road) to **M.P. 10.811** (NE 24th Street)

AND

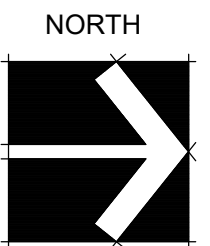
**State Road 5** (No. Federal Highway) **Southbound only** from **M.P. 10.811** to **M.P. 11.518**

*\*All other limits and Amendments of the Original Agreement shall apply.*



LIMITS OF MAINTENANCE BY  
CITY OF POMPANO BEACH

LANDSCAPE IMPROVEMENTS  
MAINTENANCE BOUNDARY MAP  
CITY OF POMPANO BEACH



FDOT LANDSCAPE PERMIT  
#2025-L-491-00007  
OCTOBER 6, 2025

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**EXHIBIT B**

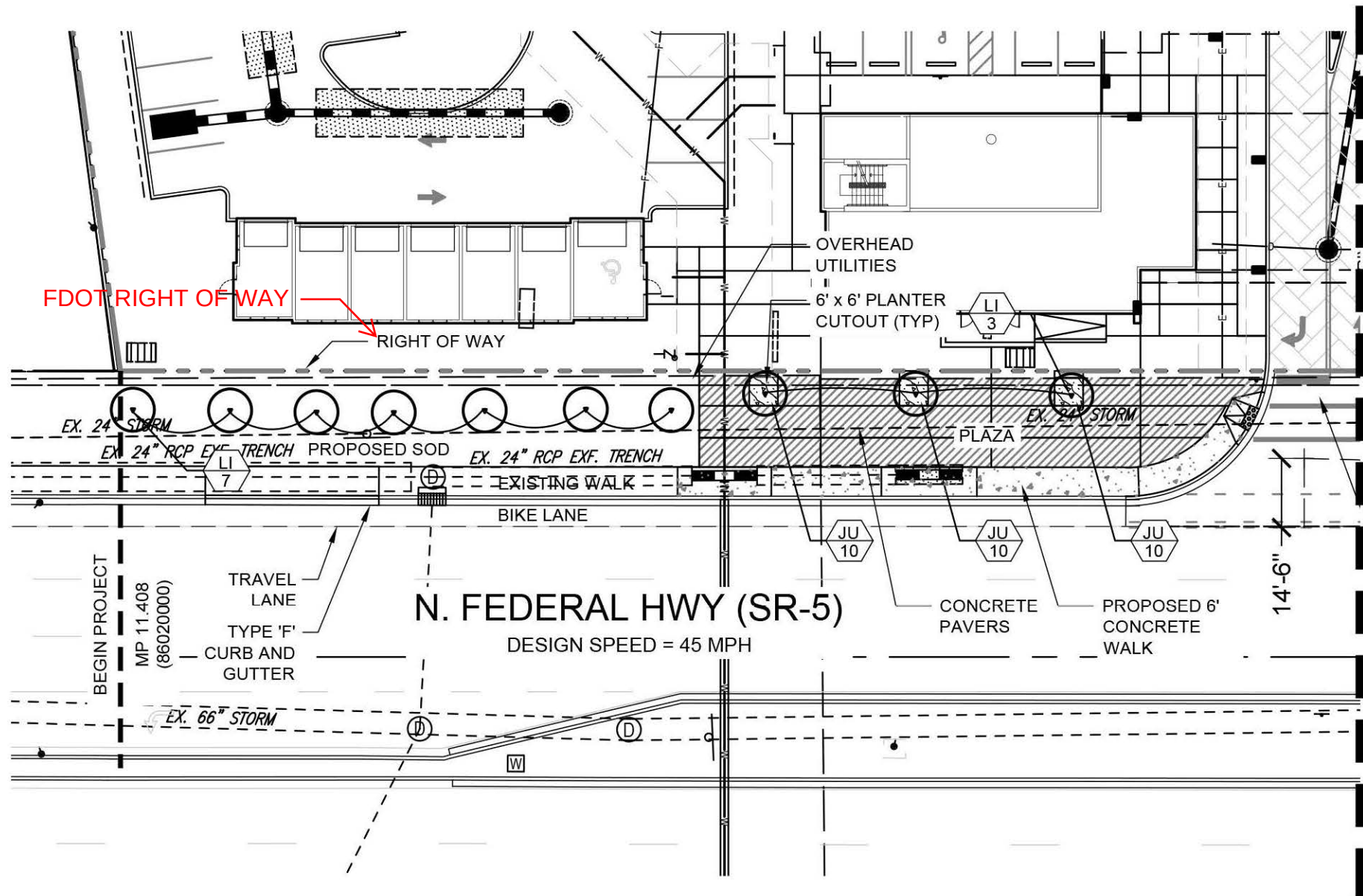
**LANDSCAPE IMPROVEMENT PLANS**

The AGENCY agrees to install the landscape improvements in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: Kimberly Moyer  
AMAC Holdings.

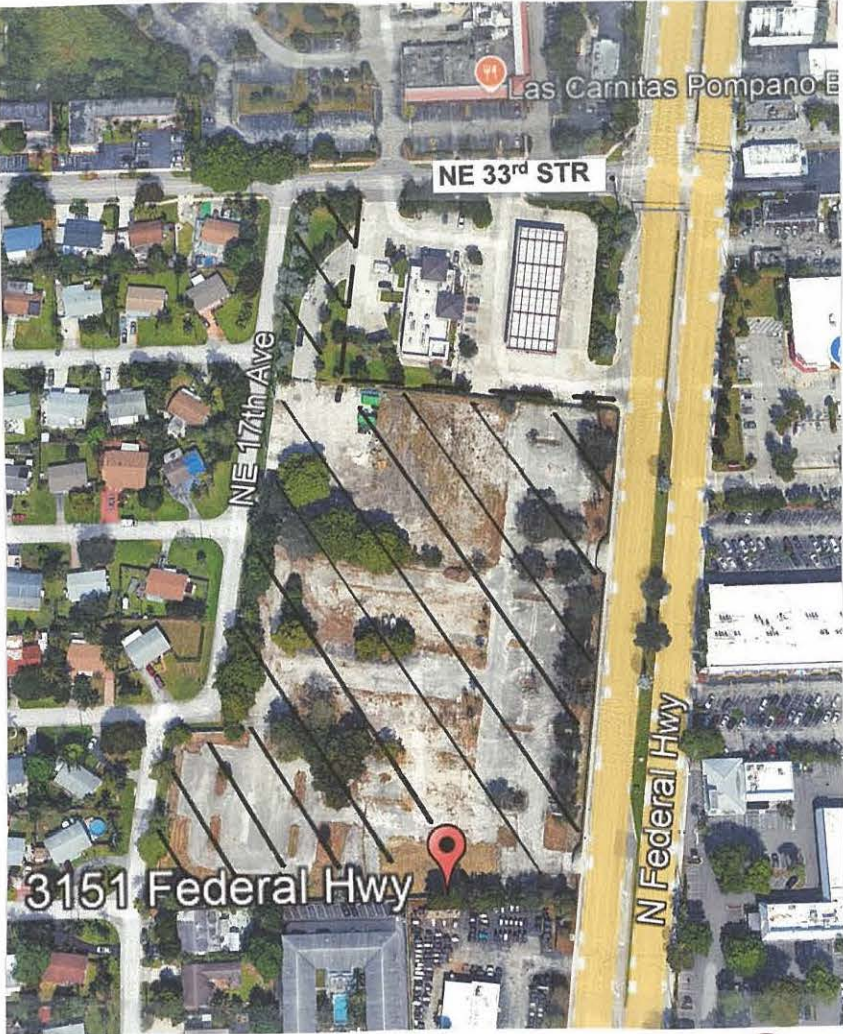
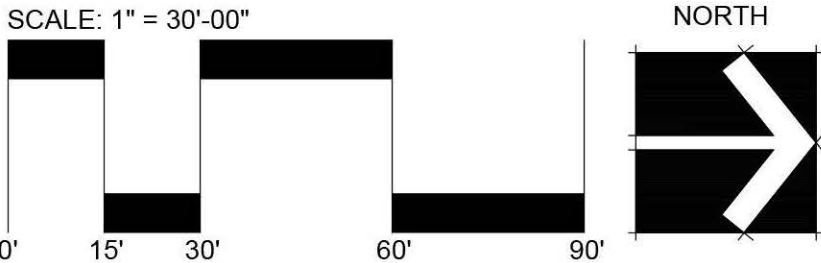
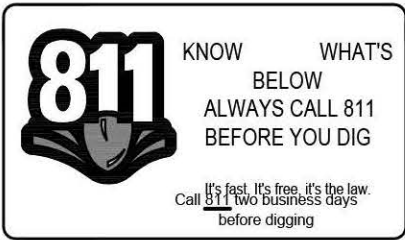
Date: September 10, 2025





MATCHLINE SEE SHEET L-2

FDOT LANDSCAPE PLAN



Project Location

FDOT LANDSCAPE PERMIT  
#2025-L-491-00007

Plant List Right of Way

| Sym                  | Total Qty | Botanical Name                   | Common Name                      | Size                           | Native | Drought Tolerance |
|----------------------|-----------|----------------------------------|----------------------------------|--------------------------------|--------|-------------------|
| Trees/ Palms         |           |                                  |                                  |                                |        |                   |
| LI                   | 20        | Lagerstroemia indica 'Tuscarora' | Crape Myrtle                     | 16' Ht. x 4' Spr, single trunk | No     | High              |
| Shrubs/ Groundcovers |           |                                  |                                  |                                |        |                   |
| JJ                   | 60        | Juniperus chinensis 'Parsonii'   | Juniper                          | 6" x 14", 18" O.C.             | No     | High              |
| Sod                  |           |                                  | St. Augustine                    |                                |        |                   |
| Mulch                |           |                                  | Shredded Melaleuca or Eucalyptus |                                |        |                   |

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LANDSCAPE ARCHITECTURE  
(954) 592-3695  
K.MOYERLA@GMAIL.COM  
LIC NO #: LA 0000952

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09-10-2025  
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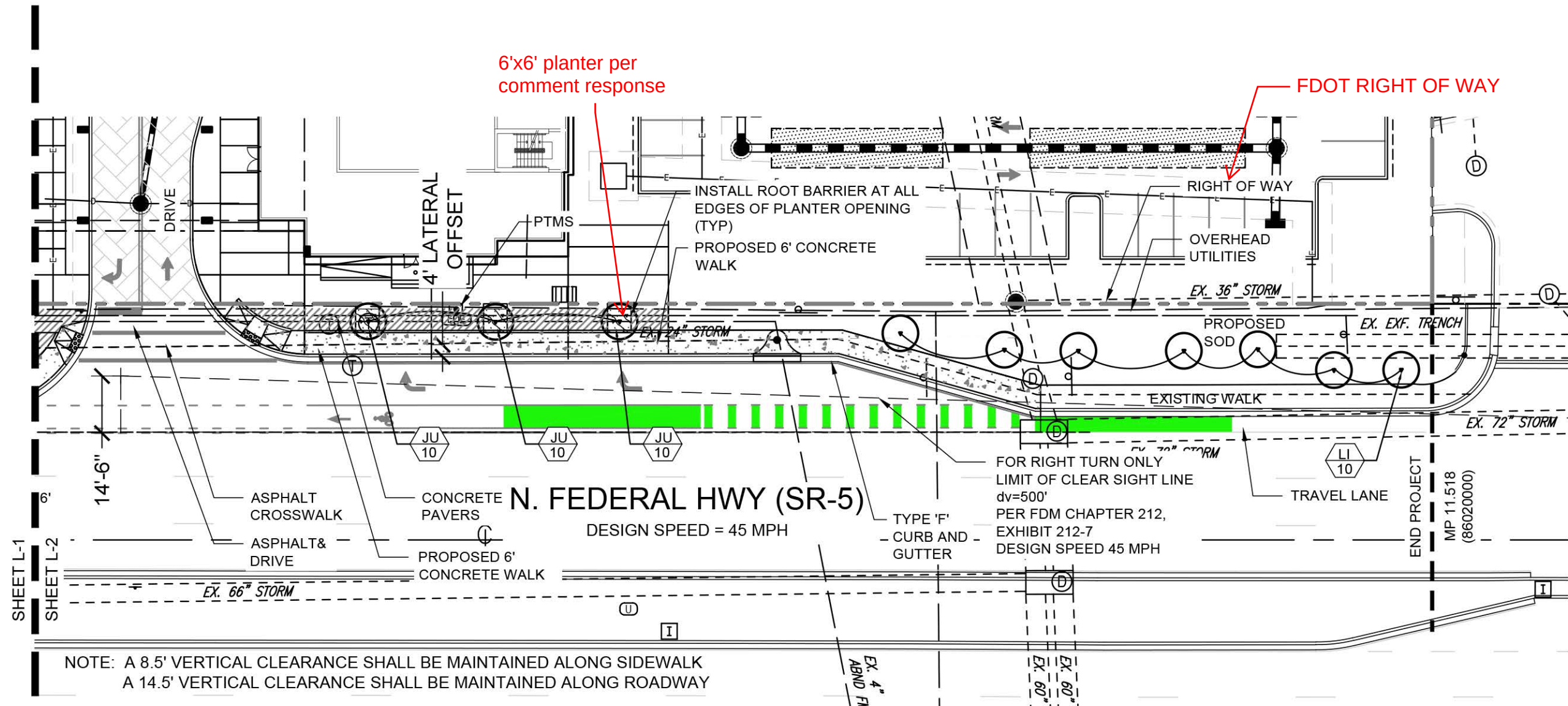
3151 N. FEDERAL  
PROPOSED MIXED USE PROJECT  
3151-3251 N FEDERAL HIGHWAY, POMPANO BEACH FL

ARCH. LICENSE  
AR 0016093  
AA 26003571  
date: 07-11-2025  
scale: As Shown  
drawn by: EC

L-1  
FDOT

All ideas, designs and plans indicated or represented by this drawing are owned by, and are the property of Atilo Toledo Lopez LLC, and were created, written and developed for use on, and in connection with this specified project. These ideas, designs, arrangements and plans are not to be used, disclosed, reproduced, altered, copied or transferred in any form or manner whatsoever, without the specific written permission of Atilo Toledo Lopez LLC.



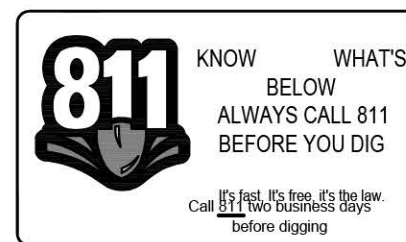


#### FDOT GENERAL NOTES:

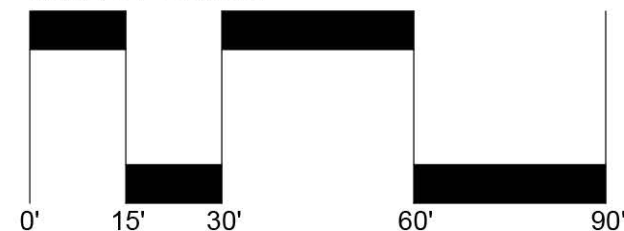
1. GOVERNING STANDARD PLANS  
Florida Department of Transportation, FY 2025-26 Standard Plans for Road and Bridge Construction and applicable Interim Revisions (IRs) are available at the following website: [Standard Plans-FY 2025-26](#)
2. GOVERNING STANDARD SPECIFICATIONS:  
Florida Department of Transportation, FY2025-26 Standard Specifications for Road and Bridge Construction at the following website: [2025-26-ebook-compressed.pdf](#)
3. Contractor shall repair all damage done to FDOT property during demolition, relocation and/ or installation activities at his sole expense.
4. Any plant material substitution within or impacting the FDOT Right of Way whether requested by Contractor, Owner, Landscape Architect or other will need to obtain approval from the FDOT District Landscape Architect.
5. Architectural Pavers installation for sidewalks and/or driveways within the FDOT right of way shall comply with the current FDOT Standard Specification 526. Online Reference [2025-26-ebook-compressed.pdf](#)
6. Ownership of all suitable excavated materials, as determined by the Department, shall remain in the Department until a final acceptance of the permitted project is fulfilled. Excavated materials shall be hauled by the Permittee, at their cost & expense from the site to the Broward Operations Center or stockpiled in those areas as directed by the Department, including asphalt millings.

#### FDOT PLANTING NOTES:

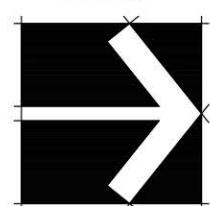
1. For the portion of landscape plant material that will be installed within the FDOT Right of Way, landscape installation shall comply with current applicable FDOT Maintenance Specification 580. Online reference: [Section 580](#)
2. For the portion of landscape material that will be installed within the FDOT Right of Way refer to the FDOT Standard Plans Index 580-001 Landscape Installation. On line reference: [580-001.pdf](#)
3. Cypress mulch is not permitted on FDOT right of way. Mulch permitted to be used are hardwood mulch (containing no cypress products), recycled mulch or approved equal certified by the Mulch and Soil Council (MSC). Submit proof of certification to the FDOT District Operations Permit Landscape Inspector upon inspection.
4. Sodded areas will be in accordance with Standard Plans Index 570-010 and Standard Specification Sections 570.981, 982, 983 and 987 of the Department's latest edition of Governing Design Standards and Standard Specifications. All disturbed areas will be sodded within one (1) week of installation of said permitted work.



SCALE: 1" = 30'-00"



NORTH



**FDOT LANDSCAPE PERMIT**  
**#2025-L-491-00007**

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LANDSCAPE ARCHITECTURE  
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LIC NO #: LA 0000952

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08-28-2025  
09-10-2025

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ATL ARCHITECTURE

**3151 N. FEDERAL**  
**PROPOSED MIXED USE PROJECT**  
3151-3251 N FEDERAL HIGHWAY, POMPANO BEACH FL

ARCH. LICENSE  
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**L-2**  
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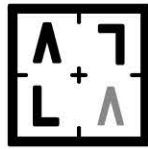
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LIC NO # LA 0000952

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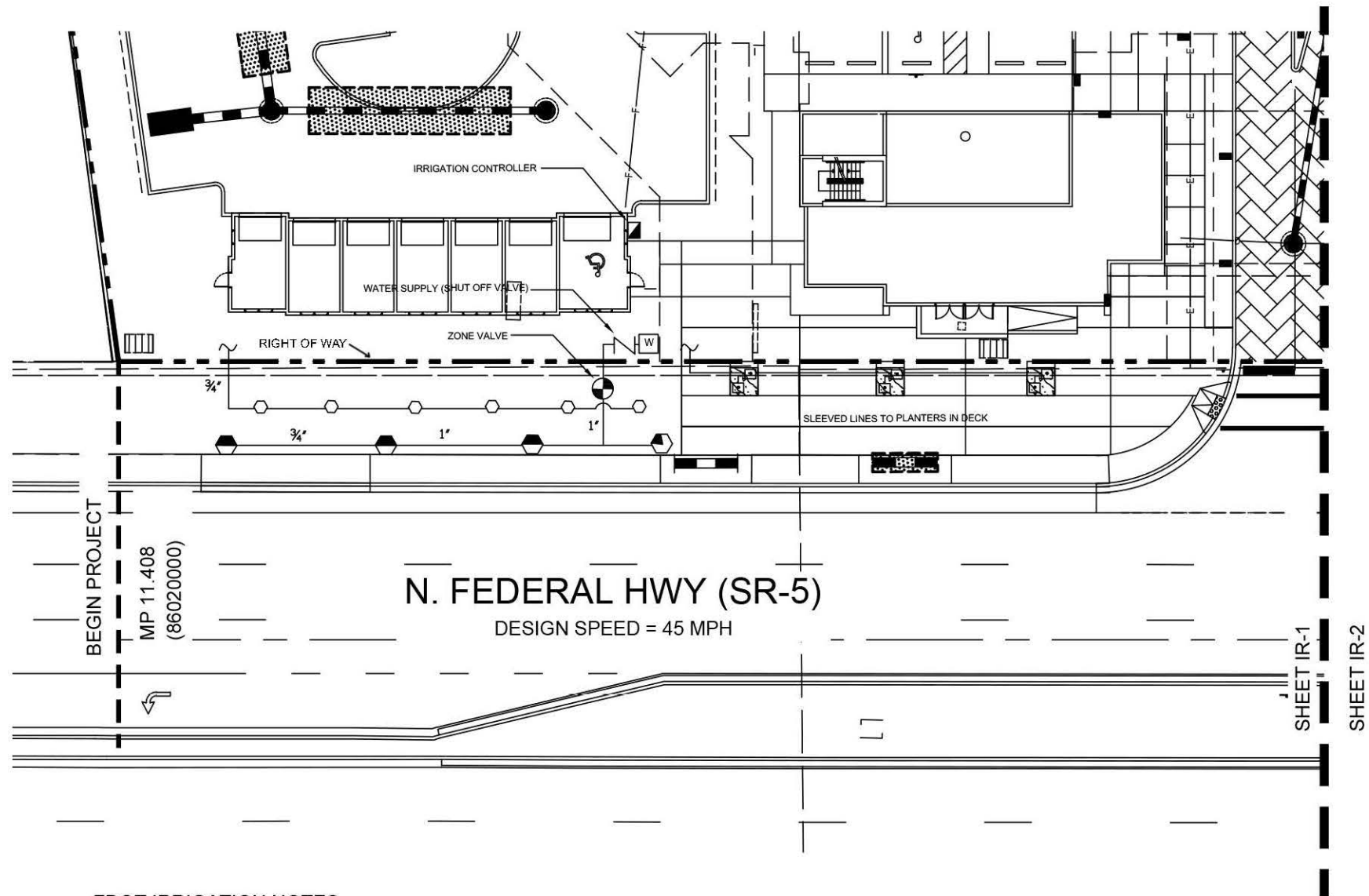
  
ATL ARCHITECTURE

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L-3  
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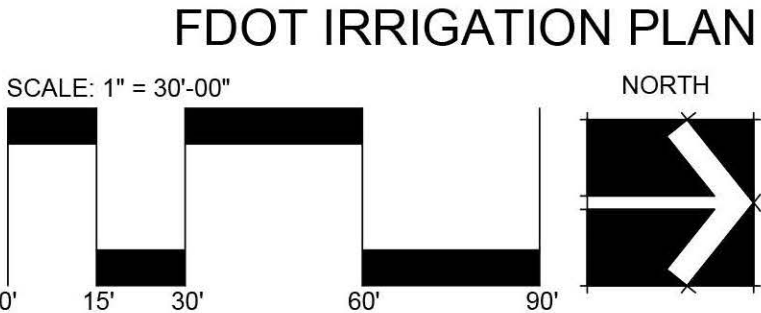
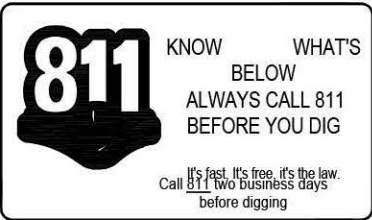


FDOT IRRIGATION NOTES

1. The irrigation system shall use the lowest quality water available which adequately and safely meets the water needs of the system . Storm water, reclaim water or grey water irrigation shall be used whenever possible.
2. The FDO requires 24 hour emergency access to water source.
3. Contractor shall provide the FDOT District Operations Manager with a set of As Built Irrigation plans.

LEGENDS - SYMBOLS

- |  |                             |
|--|-----------------------------|
|  | ZONE VALVES                 |
|  | POP UP ROTOR SPRINKLERS     |
|  | 6" POP UP SPRAY SPRINKLERS  |
|  | 12" POP UP SPRAY SPRINKLERS |
|  | TREE FLOOD BUBBLERS         |



FDOT Ladscape Permit  
#2025-L-491-00007

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IR-1  
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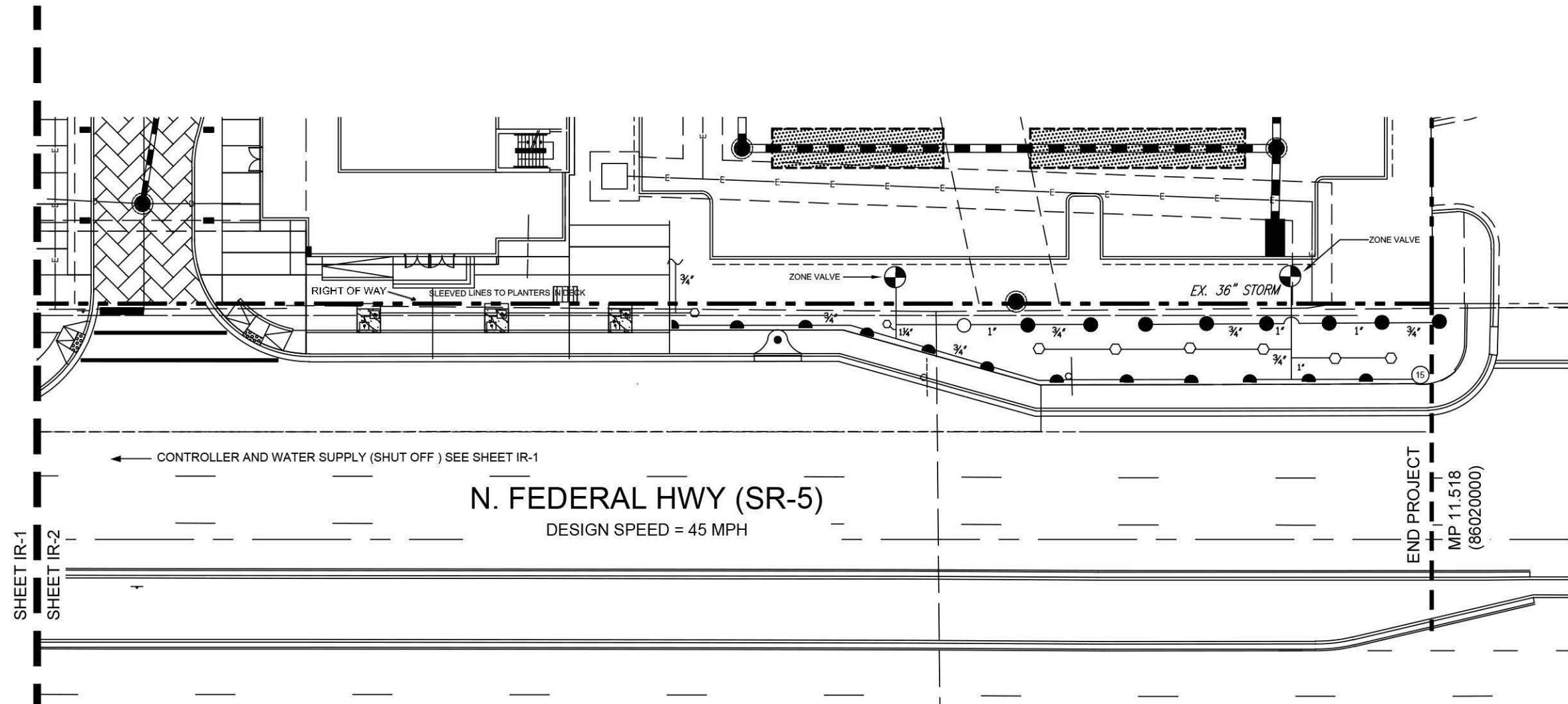
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revisions:  
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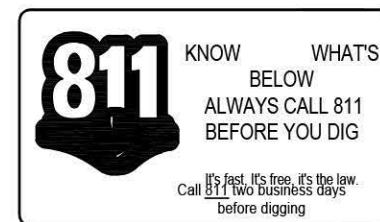
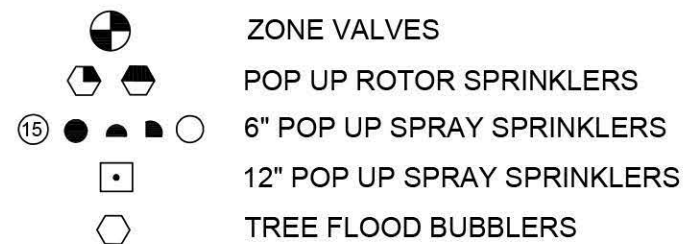
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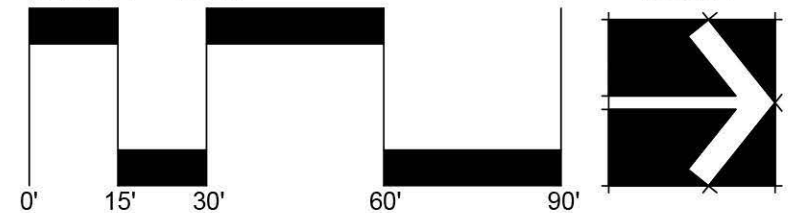
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## LEGENDS - SYMBOLS



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FDOT Landscape Permit  
#2025-L-491-00007

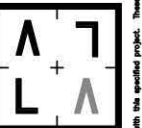
2000

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ANILLO  
TOLEDO  
LOPEZ



ATL ARCHITECTURE section

**3151 N. FEDERAL**  
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 3151-3251 N FEDERAL HIGHWAY, POMPANO BEACH, FL 33069

ARCH. LICENSE  
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IR-2  
FDOT

**SECTION: 86020000**  
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**COUNTY: BROWARD**  
**PERMIT: 2025-L-491-00007**

**EXHIBIT C**

**RESOLUTION**

This Exhibit forms an integral part of the LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT between the FLORIDA DEPARTMENT OF TRANSPORTATION and the AGENCY.

*\*Please see attached*