

APPLICATION FOR AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN

THE FOLLOWING INFORMATION MUST BE PROVIDED TO THE BROWARD COUNTY PLANNING COUNCIL BEFORE AN AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN WILL BE ACCEPTED FOR PROCESSING.

1. LOCAL GOVERNMENT RECOMMENDATION

- A. Resolution from the local government specifically describing the Trafficways segment proposed for amendment and recommended width(s) and/or realignment.

Response: The required Resolution is attached as Exhibit 1.

- B. Minutes from local governing body meeting.

Response: The minutes summary is attached as Exhibit 2.

- C. Local government staff report on the amendment as provided to the local governing body.

Response: The staff report is provided as Exhibit 3.

- D. The local government's rationale for the amendment. The Planning Council requests a condensed version suitable for inclusion in the Planning Council staff report.

Response: The current 100 foot ROW for Atlantic Boulevard is adequate for the existing and ultimate cross-section for Atlantic Boulevard which are very similar. There are no plans to widen Atlantic Boulevard from its current 4-lane divided section. The link of Atlantic Boulevard between Cypress Road and the Intracoastal Waterway is within the City's East Transit Oriented Corridor (ETOC) which is called the East Activity Center on the County's Land Use Plan. The intent is to encourage transit oriented development in the ETOC which includes structured parking lined with ground floor commercial land uses fronting Atlantic with residential apartments above. The lots fronting on Atlantic Boulevard, particularly between Cypress Road and US 1, may not be deep enough to allow for a reasonably efficient parking structure design. If 10 additional feet of ROW is taken from the lots between Cypress Road and Federal Highway (Trafficways calls for 120' ROW for that link), the depths will be even more challenging for structured parking design. The request to amend the Trafficways Plan, therefore, is to reduce the ROW width from 120 feet between Cypress and Federal and from 110 feet from Federal to the Intracoastal to 100 feet for the entire segment. This reduction will allow maintenance of the desired, transit oriented street section while creating the best scenario for transit oriented development on the adjacent lots.

E. Name, title, address, telephone and facsimile number for the local government contact.

Response: The local government contact for this application is:

Jean E. Dolan, AICP
Principal Planner
City of Pompano Beach
100 W. Atlantic Boulevard
Pompano Beach, Florida 33060
(954) 786-4045
jean.dolan@copbfl.com

2. APPLICATION FEE

Amendment applications, other than those submitted by the Broward County Board of County Commissioners or which are (co)sponsored by the Broward County Planning Council as per Article 3.3 of the “Documentation of the Broward County Trafficways Plan”, are subject to the Broward County Trafficways Plan amendment fee schedule. Please contact the Planning Council office for information regarding the current fee.

Response: The Application fee has been submitted as part of the Application package.

3. AMENDMENT SUPPORT INFORMATION

- A. If a specific right-of-way plan or (re)alignment is proposed for a corridor, engineering drawings and/or other supporting documentation to establish the precise (re)alignment must be provided.

Response: There is no change proposed to the alignment of Atlantic Boulevard.

- B. Amendments to specific Trafficways which are also identified as “State Principal Arterial” or “State Minor Arterial” on the current Broward County State Highway Functional Classification Map must be accompanied by a position statement from the District IV Secretary of the Florida Department of Transportation.

Response: The city became the responsible party for maintaining Atlantic Boulevard throughout this link in 2016. The transfer agreement between the city and FDOT which pertains to both Atlantic Boulevard and Dixie Highway is attached as Exhibit 4.

- C. Describe the existing and planned future land uses, per the effective municipal land use plan(s), in the amendment area.

Response: Atlantic Boulevard is currently developed with predominantly one-story commercial land uses with surface parking lots. The city's Future Land Use Plan and the County's Land Use Plan both have transit oriented development objectives for the corridor. The vision for future development is ground floor commercial uses with residential uses above all served by structured parking.

- D. Describe the current availability of public right-of-way along the amendment corridor and the extent of existing uses and structures within the current and/or proposed Trafficways corridor.

Response: For most lots, the 100' ROW is already dedicated and in a few cases, the additional 10' on the north or south has also been dedicated. A visual scan of the Tax Assessor parcels show that approximately 9 buildings may be encroaching into the dedicated ROW. In most of these cases, the encroachment is within a portion of the ROW that exceeds the 100' width proposed to remain on the Trafficways Plan.

- E. Describe the feasibility of acquiring additional rights-of-way along the amendment corridor as per the current and/or proposed Trafficways Plan width through the development and/or redevelopment of adjacent parcels.

Response: Though it may be feasible to acquire additional right-of-way as Atlantic Boulevard redevelops, it is contrary to the transit oriented development objectives for the ETOC and East Activity Center land use districts. The 100' of ROW that has already been dedicated by most parcels is adequate to provide the 4LD complete street cross-section desired for the corridor.

- F. Describe impacts the amendment may have on ingress and egress relative to adjacent properties.

Response: The amendment will have no impact on ingress or egress for existing properties.

- G. Describe anticipated impacts on transit, bicycle, or pedestrian travel along the subject Trafficways segment and on the surrounding regional roadway network.

Response: The requested 100 foot right-of-way will have a positive impact on pedestrian and transit users of the corridor. The ultimate section for Atlantic Boulevard throughout this link includes the same 4-lanes and left turn lane currently provided with 8-10 foot wide sidewalks for a functional and pleasant pedestrian experience. The ultimate section between Federal and the Intracoastal includes a 6-foot bike lane while the bike shares the outside lane adjacent to the on-street parking spaces between Cypress and Federal. The ultimate cross sections for each link of the subject corridor, as adopted in the TO/EOD zoning code for the ETOC District, are provided at Exhibit 5.

Planning Council staff will collect the information listed below and analyze traffic impacts resulting from the amendment. You may provide a traffic impact analysis for the amendment. If you submit a traffic impact analysis, please address the items listed below and provide information on the methodology utilized.

Response: Maintaining the ROW at 100 feet will have no impact on the traffic volumes or operations of the corridor. There is no widening planned for Atlantic Boulevard that will be affected by the reduction in ultimate ROW from 120 or 110 feet to the existing 100 feet. The City has no objection to the County providing the response to H-J below.

- H. Provide the current average daily traffic volumes, roadway capacity, and level of service for the Trafficways segment proposed for amendment and the affected surrounding regional roadway network.
- I. Provide Broward County Five (5) Year and Adopted Long Range Transportation Plan average daily traffic volumes, roadway capacities, and levels of service for the Trafficways segment proposed for amendment and the surrounding regional roadway network, both with and without the amendment.
- J. Indicate what improvements are programmed or planned for the Trafficways segment proposed for amendment, including intersection, mass transit, bikeway, and pedestrian improvements. Indicate the year of the programmed or planned improvement(s).

EXHIBIT 1
RESOLUTION FOR TRAFFICWAYS AMENDMENT

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL AN APPLICATION FOR AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN TO REDUCE THE RIGHT-OF-WAY DEDICATION REQUIREMENT FOR ATLANTIC BOULEVARD FROM CYPRESS ROAD TO THE INTRACOASTAL WATERWAY, FROM 120 FEET BETWEEN CYPRESS AND FEDERAL HIGHWAY AND 110 FEET FROM FEDERAL HIGHWAY TO THE INTRACOASTAL WATERWAY, TO 100 FEET FOR THE ENTIRE CORRIDOR; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pompano Beach desires to amend the Broward County Trafficways Plan; and

WHEREAS, the City of Pompano Beach held a public hearing on July 10, 2018; and

WHEREAS, the public hearing was noticed in accordance with the requirements of the City of Pompano Beach; and

WHEREAS, the City Commission desires to improve the economic conditions of the Atlantic Boulevard corridor within the East Transit Oriented Corridor land use designation and the proposed amendment to a 100-foot right-of-way will provide increased potential for transit oriented redevelopment by ensuring lots adjacent to the right-of-way are deep enough to accommodate structured parking; and

WHEREAS, the proposed 100-foot right-of-way will facilitate the implementation of the cross-sections for the Atlantic Boulevard corridor adopted as part of the zoning regulation for the corridor to accommodate the safe movement of vehicular traffic, mass transit and pedestrians; and

WHEREAS, the City Commission of the City of Pompano Beach, after due consideration of all matters, hereby finds that the proposed amendment is in conformance with the City of Pompano Beach Comprehensive Plan and is in the best interest of the health, safety and welfare of the citizens of Pompano Beach; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. The City Commission of the City of Pompano Beach, hereby approves for transmittal to the Broward County Planning Council, an application for amendment to the Broward County Trafficways Plan to designate Atlantic Boulevard between Cypress Road and the Intracoastal Waterway a 100-foot right-of-way.

SECTION 2. The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the Broward County Planning Council.

SECTION 3. This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED this _____ day of _____, 2018.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jmz
6/6/18
l:reso/2018-230

EXHIBIT 2

MINUTES FROM PUBLIC HEARING TO APPROVE RESOLUTION FOR TRAFFICWAYS
AMENDMENT

EXHIBIT 3
STAFF REPORT FOR TRAFFICWAYS AMENDMENT

ADMINISTRATIVE MEMORANDUM NO. 18 - 225

DATE: June 6, 2018

TO: Planning and Zoning Board

VIA: David L. Recor, Director of Development Services
Jennifer Gomez, AICP, Assistant Director of Development Services *JG*

FROM: Jean E. Dolan, AICP, Principal Planner *JED*
Max Wemyss, Planner *MW*

RE: Amendment to Broward County Trafficways Plan for Atlantic Boulevard
Right-of-Way width between Cypress Road and the Intracoastal within the
East Transit Oriented Corridor

The Broward County Trafficways Plan (see Exhibit 1) is the ultimate roadway right-of-way preservation plan for Broward County. Dedication of right-of-way is required from developing parcels to provide for an adequate regional roadway network, implemented through the County and local government development review processes. At the County level, parcels which are required to plat must dedicate right-of-way consistent with the requirements of the Trafficways Plan. At the City level, right-of-way dedications are required at time of site plan approval if those dedications were not previously accomplished at time of platting. The Broward County Planning Council makes decisions on all proposed amendments and waivers to the Trafficways Plan.

The area subject to this Trafficways Amendment is the East Transit Oriented Corridor (See Exhibit 2). During the preparation of the East Transit Oriented Corridor (ETOC) land use plan amendment application, it was noted that the Trafficways Plan calls for 120 feet of right-of-way for Atlantic Boulevard between Cypress Road and Federal Highway and 110 feet of right-of-way from Federal Highway to the Intracoastal (see Exhibit 3). Currently, the dedicated right-of-way of Atlantic Boulevard is a minimum of 100 feet and that width is adequate to accommodate the desired road sections for Atlantic within the ETOC as illustrated and adopted within the TO/EOD zoning regulations (see Exhibit 4).

The intent of the ETOC land use and zoning district is to encourage transit oriented development which generally includes structured parking lined with ground floor commercial land uses fronting Atlantic Boulevard with residential apartments above. The lots fronting on Atlantic Boulevard, particularly between Cypress Road and US 1, may not be deep enough to allow for a reasonably efficient parking structure design. If 10

additional feet of ROW is taken from the lots between Cypress Road and Federal Highway (Trafficways calls for 120' ROW for that link), the lot depths will be even more challenging in regard to building structured parking and for redevelopment in general in those blocks where lot depths are already constrained to the point where structured parking is infeasible (see example of lot depths in Exhibit 5).

The request to amend the Trafficways Plan, therefore, is to reduce the right-of-way width from 120 feet between Cypress and Federal and from 110 feet from Federal to the Intracoastal to 100 feet for the entire segment. This reduction will allow maintenance of the desired, transit oriented street sections while not further limiting the existing frontage lot depths.

RECOMMENDATION: Staff recommends approval of the request to amend the Broward County Trafficways Plan for the link of Atlantic Boulevard between Cypress Road and the Intracoastal Waterway to reduce the right-of-way requirement to 100 feet within the ETOC land use designation.

EXHIBIT 1
BROWARD COUNTY TRAFFICWAYS PLAN

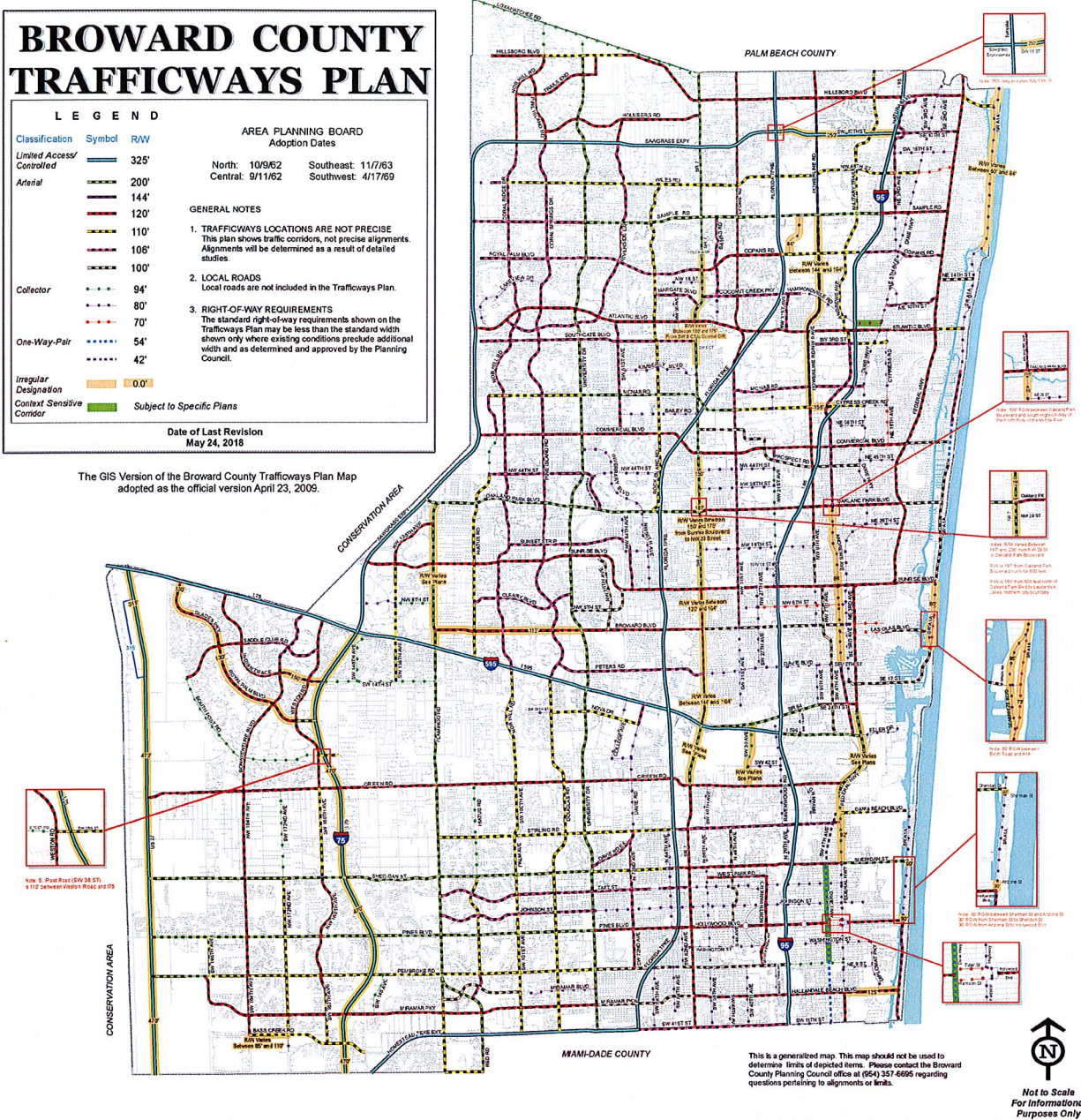


Exhibit 2 EAST TRANSIT ORIENTED CORRIDOR (Subareas/Building Height Regulating Plan from EOD Zoning Code)

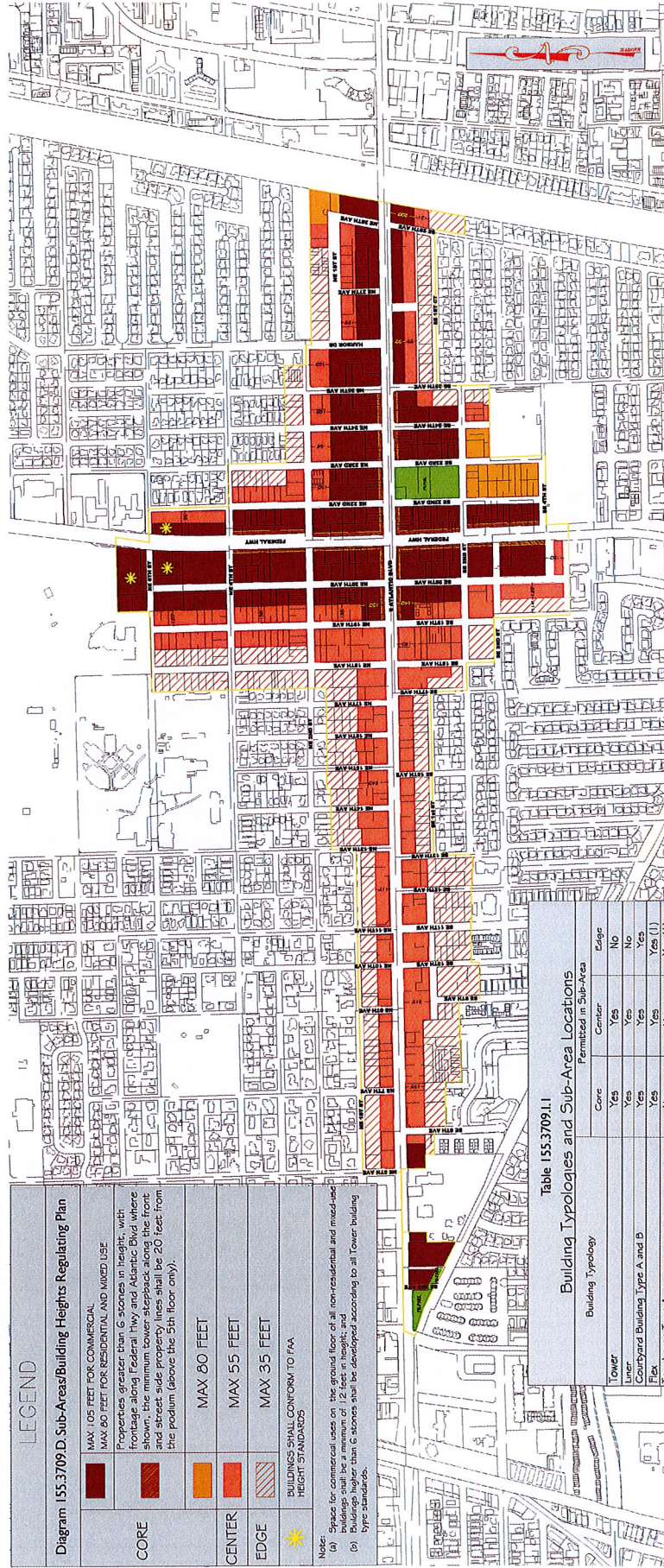


Table 155.3709.11
Building Typologies and Sub-Area Locations

Building Typology	Permitted in Sub-Area		
	Core	Center	Edge
Tower	Yes	Yes	No
Linear	Yes	Yes	No
Courtyard Building Type A and B	Yes	Yes	Yes
Plex	Yes	Yes	Yes (1)
Townhouses Type A	Yes	Yes	Yes (1)
Townhouses Type B	No	Yes	Yes (1)(2)
Zero Lot Line (with Alley/Service Road)	No	No	Yes (1)
Zero Lot Line (without Alley/Service Road)	No	No	Yes (1)
Detached Single Family (with Alley/Service Road)	No	No	Yes (1)
Detached Single Family (without Alley/Service Road)	No	No	No
Notes: (1) All buildings in the Core, Center, and Edge sub-areas shall conform to the height standards of the EOD Zoning Code. (2) All buildings in the Edge sub-area shall conform to the height standards of the EOD Zoning Code, except for Zero Lot Line Building Types, the proposed new development shall have a minimum of 200 feet of frontage along the street.			
(2) Not permitted if first access from an alley/service road is possible.			

EXHIBIT 3
ATLANTIC BOULEVARD RIGHT-OF-WAY REQUIREMENTS WITHIN THE ETOC
BROWARD COUNTY TRAFFICWAYS PLAN

BROWARD COUNTY TRAFFICWAYS PLAN

L E G E N D

Classification	Symbol	RW
Limited Access/Controlled		325'
Arterial		200'
		144'
		120'
		110'
		106'
		100'
Collector		94'
		80'
		70'
One-Way-Pair		54'
		42'
Irregular Designation		0.0'
Context Sensitive		Subject to Specific Plans
Corridor		

AREA PLANNING BOARD Adoption Dates

North: 10/9/62 Southeast: 11/7/63
Central: 9/11/62 Southwest: 4/17/69

GENERAL NOTES

1. TRAFFICWAYS LOCATIONS ARE NOT PRECISE
This plan shows traffic corridors, not precise alignments. Alignments will be determined as a result of detailed studies.
2. LOCAL ROADS
Local roads are not included in the Trafficways Plan.
3. RIGHT-OF-WAY REQUIREMENTS
The standard right-of-way requirements shown on the Trafficways Plan may be less than the standard width shown only where existing conditions preclude additional width and as determined and approved by the Planning Council.

Date of Last Revision
May 24, 2018

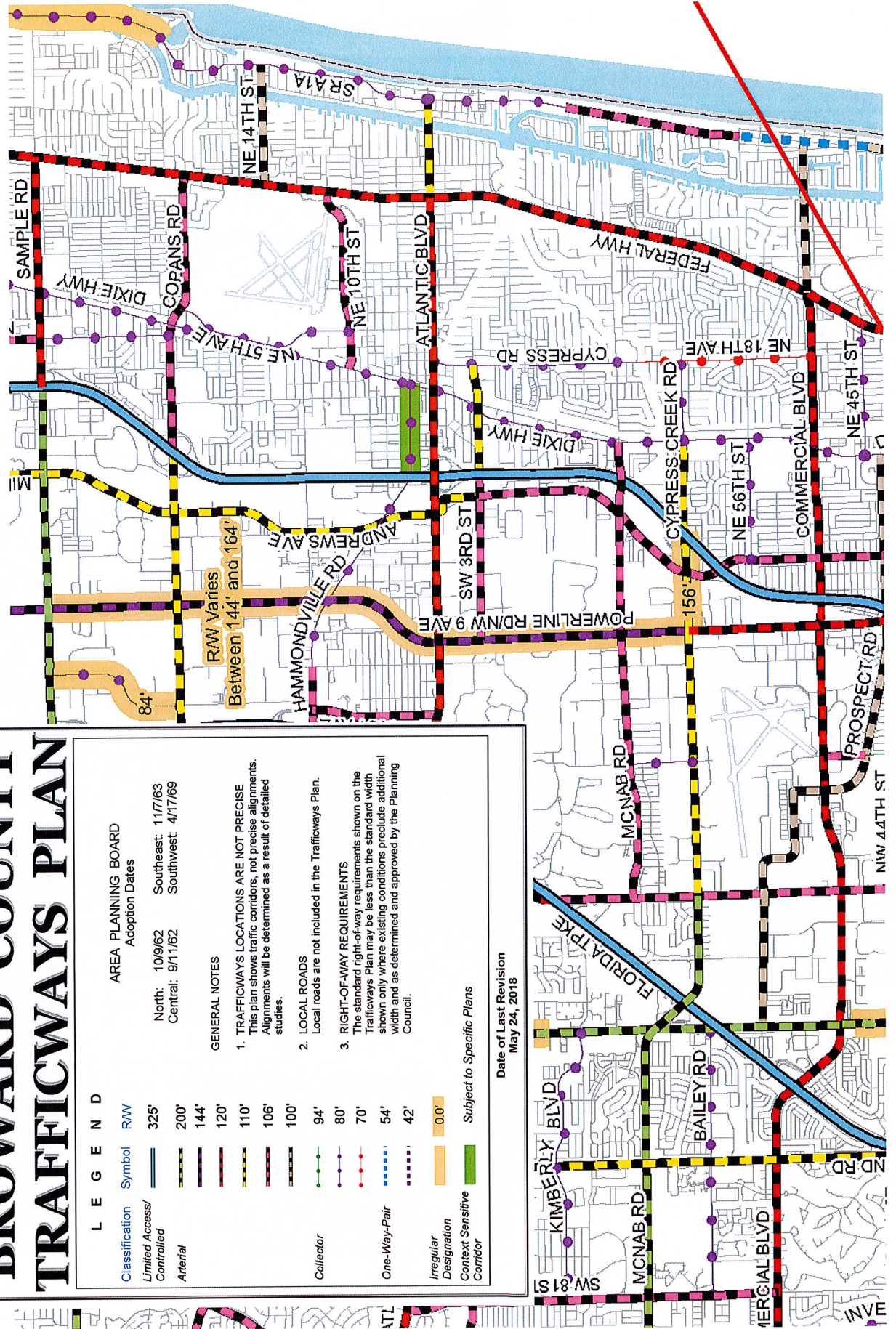


EXHIBIT 4 ATLANTIC BOULEVARD STREET SECTIONS EOD ZONING DISTRICT

DIAGRAM I 55.3709.F2. STREET DEVELOPMENT REGULATING DIAGRAM

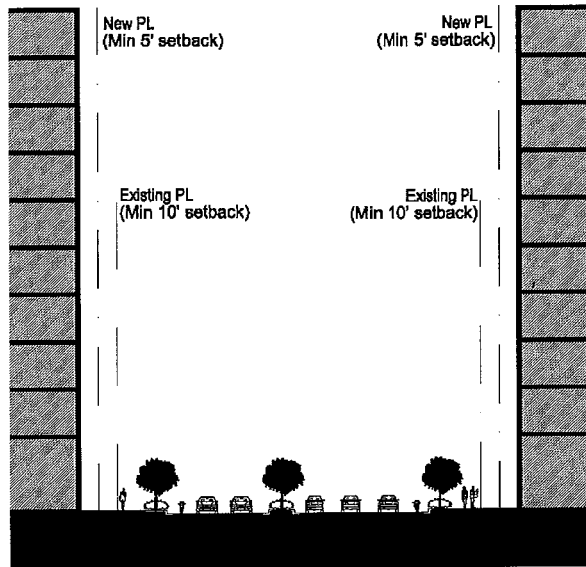
A. Atlantic Blvd. (East of 25th Ave)

KEY:

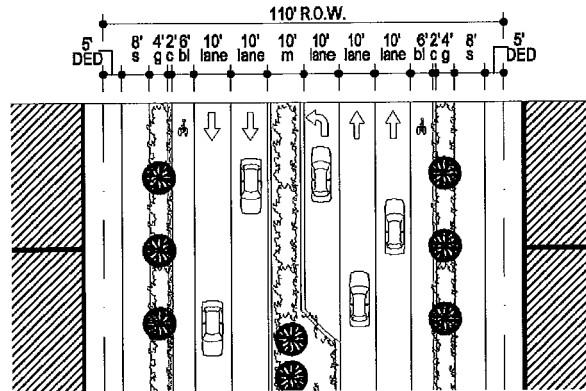
tg: tree grate
m: median
bl: bike lane
g: landscape strip
lane(s): lane(s)
s: sidewalk
st: shared trail
c: curb and gutter
p: parking
sb: setback

DED: Dedication
EAS: Easement
O.C.: On center
R.O.W.: Right-Of-Way

SECTION



PLAN



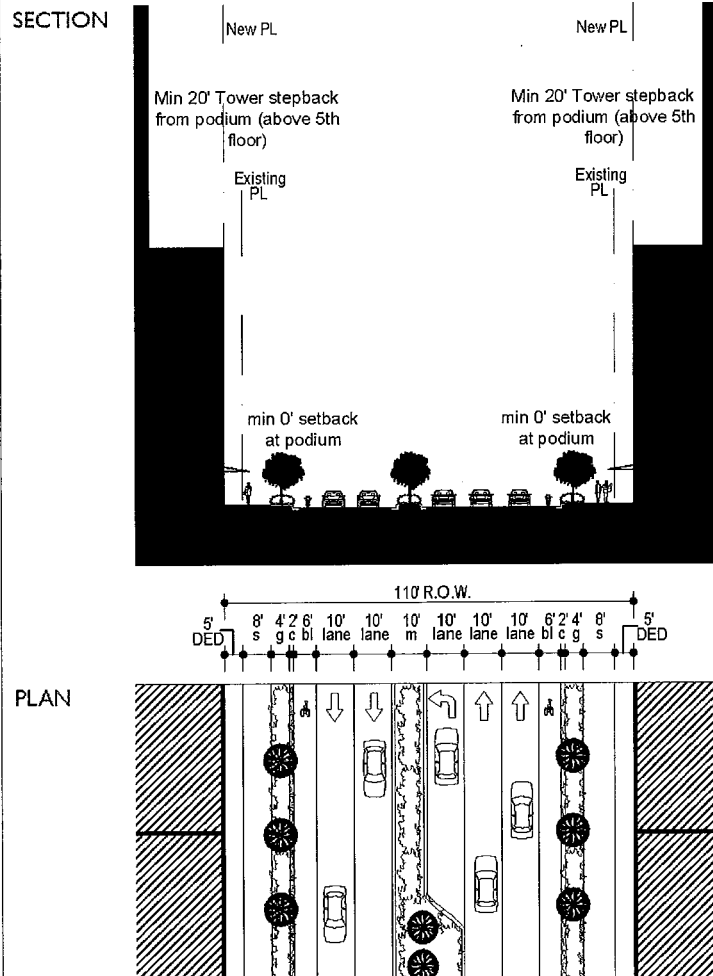
Street Type	Primary Street, Greenway
Sub-District	Core
Traffic Lanes	4
Parking Lanes	0
Bike Lanes	6' in each direction
Walkway Type	8' concrete sidewalk on both sides of the street
Landscape Type	6' continuous landscape strip
Curb Type	Raised Curb
Street Trees	Placed between 15' and 25' O.C.; Provided 1 per 30 feet of frontage
Median	20' Minimum, 10' with turning lane
Notes	<ol style="list-style-type: none"> 1. A 5' dedication shall only be required if the roadway remains in the County's Traffic Ways Plan and the minimum right-of-way is required to be 110' by the County. 2. If a 5' dedication is not required the minimum setback shall be 10' from the existing right-of-way line.

DIAGRAM 155.3709.F2. STREET DEVELOPMENT REGULATING DIAGRAM
B. Atlantic Blvd. (Federal Hwy to 25th Ave)

KEY:

tg: tree grate
m: median
bl: bike lane
g: grass
lane: lane
s: sidewalk
st: shared trail
c: curb and gutter
p: parking
sb: setback

DED: Dedication
EAS: Easement
O.C.: On center
R.O.W.: Right-Of-Way



Street Type	Primary Street, Greenway
Sub-District	Core
Traffic Lanes	4
Parking Lanes	0 ⁽³⁾
Bike Lanes	6' in each direction
Walkway Type	8'-6" concrete sidewalk on north side / 7'-6" concrete sidewalk on south side
Landscape Type	6' continuous landscape strip
Curb Type	Raised Curb
Street Trees	Placed between 15' and 25' O.C.; Provided 1 per 30 feet of frontage
Median	20' Minimum, 10' with turning lane
Notes	<ol style="list-style-type: none"> 1. A 5' dedication shall only be required if the roadway remains in the County's Traffic Ways Plan and the minimum right-of-way is required to be 110' by the County. 2. If a 5' dedication is not required the minimum setback shall be 0' from the existing right-of-way line. 3. Full block redevelopment shall be required to provide on street parking along Atlantic Blvd.

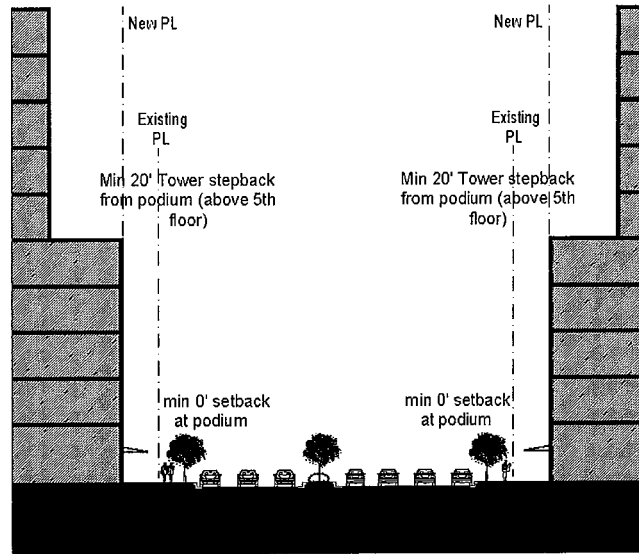
DIAGRAM 155.3709.F2. STREET DEVELOPMENT REGULATING DIAGRAM
C. Atlantic Blvd. (Federal Hwy to S. Cypress Rd)

KEY:

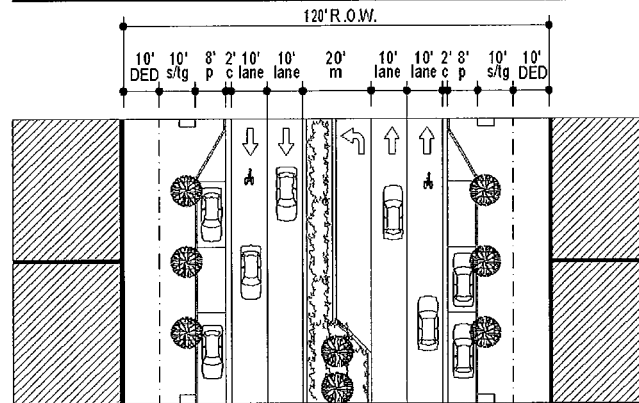
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SECTION

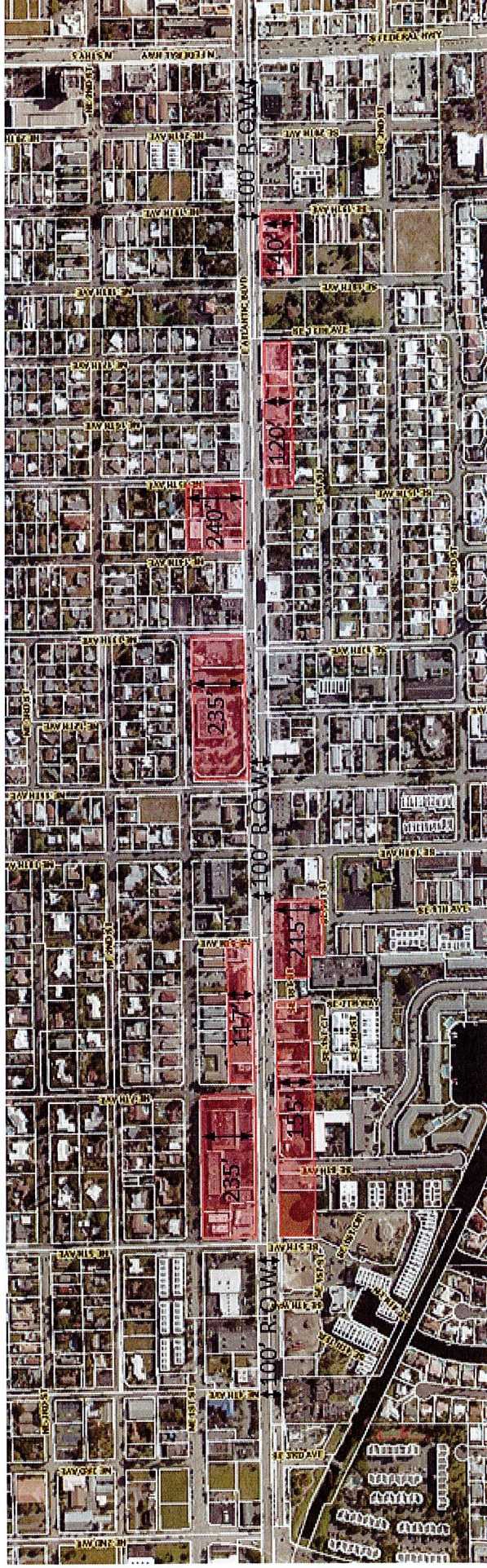


PLAN



Street Type	Primary Street, Greenway
Sub-District	Core / Center
Traffic Lanes	4
Parking Lanes	2
Bike Lanes	Sharrow in outside lane in each direction
Walkway Type	15' ⁽¹⁾ or 5' ⁽²⁾ minimum concrete sidewalk
Landscape Type	5' x 5' tree grates
Curb Type	Raised Curb
Street Trees	Placed between 15' and 25' O.C.; Provided 1 per 25 feet of frontage
Median	20' Minimum, 10' with turning lane
Notes	<ol style="list-style-type: none"> 1. A 10' dedication shall only be required if the roadway remains in the County's Traffic Ways Plan and the minimum right-of-way is required to be 120' by the County. 2. If a 10' dedication is not required the minimum setback shall be 0' from the existing right-of-way line.

EXHIBIT 5
TYPICAL FRONTAGE LOT DEPTH
CYPRESS ROAD TO FEDERAL HIGHWAY



Example of lot depths adjacent to Atlantic Blvd R.O.W. between Cypress Rd and Federal Hwy. Existing dedicated R.O.W is 100 feet wide. Adjacent lot depths vary from 117' to 235'. Preserving the R.O.W. at 100 feet will prevent unnecessary dedication of property and further reduction of lot depths.

EXHIBIT 4

TRANSFER AGREEMENT FOR ATLANTIC BOULEVARD AND DIXIE HIGHWAY

Orig. 24

ROADWAY TRANSFER AGREEMENT

From Florida Department of Transportation to City of Pompano Beach

SR 814/Atlantic Boulevard from East of NW 6 Avenue to SR A1A
(Excluding S.C. Fox Memorial Bridge – Bridge ID 860157)

AND

SR 811/Dixie Highway from Northern Limit of Bridge 860032 to SR 834/Sample Road

THIS AGREEMENT, made and entered into this 19th day of April, 2016, by and between the FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter called the DEPARTMENT, and the CITY OF POMPAÑO BEACH, hereinafter called the CITY.

WITNESSETH

WHEREAS, the roadway segments on SR814/Atlantic Boulevard from east of NW 6th Avenue to SR A1A and SR 811/Dixie Highway from northern limit of Bridge 860032 to SR 834/Sample Road are located within the CITY boundaries and are currently owned by the DEPARTMENT, hereinafter called ROADWAYS, as depicted on the Location Maps attached and incorporated herein as Exhibits "A" and "B", and,

WHEREAS, the CITY, has agreed to accept the transfer of the ROADWAYS, with the exception of the S.C. Fox Memorial Bridge (Bridge ID: 860157, Section ID: 86130000 from Mile Point 7.641 to Mile Point 7.712), to the CITY Street System, and these transfers are mutually agreed upon, between the CITY and the DEPARTMENT; and

WHEREAS, this AGREEMENT is being entered into in accordance with Section 335.0415, Florida Statutes; and

WHEREAS, the AGREEMENT has been approved by the CITY Commissioners through Resolution No. 2016-153, adopted on this 22nd day of March, 2016 and attached and incorporated herein as Exhibit "C".

NOW, THEREFORE, THIS INDENTURE WITNESSETH: in consideration of the mutual covenants and promises herein contained, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the CITY and the DEPARTMENT agree as set forth below:

1. The above recitals are true and correct and are incorporated herein by reference.
2. This AGREEMENT, pursuant to Section 335.0415, Florida Statutes, sets forth the terms and conditions under which the CITY and the DEPARTMENT will abide. The commencement of jurisdictional and maintenance responsibilities is the date of the approval of the roadway transfer by the Secretary of the Florida Department of Transportation.

3. The DEPARTMENT gives up all rights to the ROADWAYS, including the right of way, except as may be specified in this AGREEMENT.

4. **Atlantic Boulevard** (SR 814) – from east of NW 6th Avenue to SR A1A (Excluding S.C. Fox Memorial Bridge – Bridge ID 860157)

The DEPARTMENT gives up all rights to the Atlantic Boulevard segment of roadway, identified above, including the right of way, except as may be specified herein.

(a) The S.C. Fox Memorial Bridge (Bridge ID: 860157) over the Intracoastal from abutment to abutment will continue to be owned, operated and maintained by the DEPARTMENT.

(b) The handrail, bridge lighting system connected to the bridge electric power, the approach slabs, signs pertaining to the bridge, roadway barriers to the end of the approach slabs, and traffic control signals associated with the S.C. Fox Memorial Bridge (Bridge ID: 860157) will continue to be owned, operated and maintained by the DEPARTMENT. The CITY agrees to perform maintenance of all roadway features, including sidewalks, on both approaches up to the bridge abutments as well as on the bridge. This includes the repair and maintenance of traffic stripes and markings, raised pavement markers, asphalt pavement, sweeping, litter pick-up and graffiti removal to keep the bridge fully and properly functioning at all times. Improvements constructed by the CITY on the S.C. Fox Memorial Bridge and the respective tender house will continue to require a permit from or a construction agreement with the DEPARTMENT. The CITY is responsible for maintaining any decorative features and other improvements added to the area by the CITY after this AGREEMENT is effective.

(c) The CITY will designate two parking spaces to the DEPARTMENT for the sole use of bridge tenders and maintenance of the S.C. Fox Memorial Bridge (Bridge ID: 860157) as shown on Exhibit "A" or an alternate location agreed upon by the DEPARTMENT. The CITY agrees to retain these spaces in perpetuity while the bridge exists.

5. **Dixie Highway** (SR 811) - from Northern Limit of Bridge 860032 to SR 834/Sample Road

The DEPARTMENT gives up all rights to the Dixie Highway segment of roadway, identified above, including the right of way, except as may be specified herein.

(a) The DEPARTMENT currently has a Lease Agreement with the Florida East Coast (FEC) Railway for bus stop locations along Dixie Highway; eleven locations of which are within the CITY limits of Pompano Beach (Exhibit "D"). This lease expires January 24, 2020. The DEPARTMENT shall pay for the required insurance coverage for the continuous use of the existing eleven bus stops located within the CITY limits for the duration of the lease or until terminated. It is understood, however, that the DEPARTMENT does not intend to renew the lease at the end of the expiration period and at that time, the CITY will be responsible for any arrangements regarding the use of the bus stop locations. Further, the DEPARTMENT retains the right to terminate that portion of the lease lying within the CITY prior to the expiration period. Upon such expiration or termination of the lease, the

DEPARTMENT will have no further obligations with respect to the bus stops or the landscape areas identified in the lease that are located within the CITY.

- (b) The area on the north approach slab to Bridge 860032, as illustrated in Exhibit B, will continue to be owned by the DEPARTMENT. The CITY agrees to maintain roadway features in the approach slab such as, but not limited to, asphalt overlay, traffic stripes and markings, raised pavement markers, and signs and perform all activities such as sweeping, picking up litter, graffiti removal, etc., to keep the approach to Bridge 860032 fully and properly functioning at all times.

6. Obligations as to both Roadways:

Prior to this transfer, the DEPARTMENT had scheduled two roadway improvement projects along the subject roadway segments of Dixie Highway. A total of \$4,562,065 (Four Million Five Hundred Sixty Two Thousand Sixty Five Dollars), shall be provided to the CITY after this transfer but prior to January 1, 2017 for improvements towards the subject roadway(s) or within the roadway right of way. The allocations shall be as follows:

- (a) Under FM No 427011.2 (SR-811/Dixie Highway from south of McNab Road to south of Atlantic Boulevard), the DEPARTMENT agrees to transfer the CITY a lump sum amount of \$1,675,855 (One Million Six Hundred Seventy-Five Thousand Eight Hundred Fifty-Five Dollars).
- (b) Under FM No 430606.1 (SR-811/Dixie Highway from Atlantic Boulevard to Copans Road), the DEPARTMENT agrees to transfer the CITY a lump sum amount of \$2,406,210 (Two Million Four Hundred Six Thousand Two Hundred Ten Dollars).
- (c) The DEPARTMENT also agrees to transfer to the CITY a lump sum amount of \$480,000 (Four Hundred Eighty Thousand Dollars).

It is understood that the obligation regarding any funds to be transferred to the CITY must be in accordance with Section 339.135(6)(a), Florida Statutes and that the DEPARTMENT's performance and obligation to transfer funding under this agreement shall be contingent upon annual appropriation by the Legislature.

Upon the effective date of transfer, the CITY accepts all responsibility for operation and maintenance of the ROADWAYS referenced above, including but not limited to:

- (a) All traffic control signals and devices, landscape, roadway lighting system, curbs, culverts and drainage structures within the right of way at the time of transfer. The DEPARTMENT agrees to remove State Road signs, as appropriate. The ownership and maintenance responsibilities for all remaining signs and signage structures located within the transfer limits are included in this transfer to the CITY.
- (b) The right of way and public sidewalks, bike paths, and other ways in the right of way.

- (c) The CITY agrees to perform all activities necessary to keep the ROADWAYS fully and properly functioning at all times. Examples of maintenance activities may include, but not limited to, maintenance of pavement and sidewalk surfaces, mowing, cleaning and desilting of ditches, retention ponds, drainage structures and other underground drainage systems, picking up litter, graffiti removal, repair/replacement of signs, etc. The DEPARTMENT will provide any information it has or becomes aware of that may have an impact on the function or operation of the ROADWAYS.
- (d) The CITY shall be fully responsible for maintaining the drainage system associated with the ROADWAYS. The DEPARTMENT shall retain flowage rights to the drainage system. Currently this drainage system is operational. Since the drainage system serves drainage for SR A1A, Bridge 860157 and other segments of SR 811 and SR 814, the CITY agrees that any modification or alteration to the drainage system shall be reviewed and concurred by the DEPARTMENT before implementation. If the drainage system is not properly maintained by the CITY, the DEPARTMENT reserves the right to perform necessary maintenance activities at the CITY's expense only after giving the CITY advance written notice of any maintenance activities or repairs.
- (e) The DEPARTMENT retains the right to access Bridges 860032 and 860157 without the need to obtain permits from the CITY for conducting its own maintenance or betterment projects to the bridges or bridge features. Except for emergencies, the DEPARTMENT's Maintenance Office will notify the CITY in advance to provide scope of work and corresponding work schedule and will coordinate the maintenance of traffic (MOT) with the CITY's Public Works Department prior to starting the work when one or more lane closures is required.
- (f) It is agreed that all obligations of the DEPARTMENT, under any maintenance, utility, railroad crossing AGREEMENT or other such AGREEMENT, or permits relating to any specific road to be transferred, shall be transferred at the same time, or soon thereafter, and in the same manner as jurisdictional responsibility. The CITY agrees to accept the ownership and assume all required maintenance obligations and duties of the two railroad crossings, along with the relevant traffic control devices, located within the ROADWAYS through a separate Railroad Transfer Agreement that is to be approved and executed subsequent to approval of this AGREEMENT. Copies of any existing permits, agreements and easements will be turned over to the CITY for their records prior to execution of this AGREEMENT or shortly after execution and approval of this AGREEMENT. The DEPARTMENT will assign all of its rights, title and interest related to the two railroad crossings and the relevant traffic control devices located within the ROADWAY boundaries described in this AGREEMENT through a separate Railroad Transfer Agreement. Such documents listed in assigning the rights, title and interest related to the two railroad crossings, once approved, will become Exhibit "E" to the CITY in this AGREEMENT.
- (g) Historical and archaeological resources were identified within or adjacent to the transfer area and the segments of railway within the ROADWAYS have been deemed National-Register eligible. The DEPARTMENT has provided the CITY with a letter from the Florida Department of State (Exhibit "F," dated January 25, 2016) confirming that based on the results of a cultural resource assessment survey no historic properties will be directly

affected by the transfer of ownership of the ROADWAYS. The CITY agrees to maintain any existing and all subsequently discovered historical or archaeological resources determined to be significant pursuant to Section 267.061, F. S. The CITY also agrees to coordinate with the Florida State Historic Preservation Officer to determinate the potential impacts to any historic resources should an improvement to any of these ROADWAYS occur in the future.

(h) The CITY shall continue the traffic data collection of 24-hour average daily traffic (ADT) count data at the following Traffic Monitoring Sites (TMSs):

- SR 814/Atlantic Boulevard: 860071, 867423, 860435
- SR 811/Dixie Highway: 860025, 860048, 860029, 865334

Collection shall occur at the locations as depicted in Exhibits "A" and "B," at least once a year during the peak season (typically between January and mid-April). Traffic count data shall be collected by following the existing guidelines/policies/procedures of the DEPARTMENT and submitted via e-mail in format compatible (TXT is preferred, PRN is acceptable) with the most current version of Survey Processing Software (SPS) to the District Traffic Data Coordinator for the preparation of the DEPARTMENT's annual data processing within 30 calendar days after the data are collected. Contact the District Traffic Data Coordinator with any questions or additional information at 954-777-4364.

(i) Federal-aid funds were expended on the ROADWAYS on the following F.M. numbers:

- SR 814/Atlantic Blvd: 227921-1, 227921-2, 406506-1
- SR 811/Dixie Hwy: 424671-1

It is understood that the DEPARTMENT may conduct periodic inspections of the ROADWAYS in accordance with the provisions in DEPARTMENT's Procedure Number: 850-065-001, Inspection of Federal-Aid Projects under Local Jurisdiction (Exhibit "G"). Such inspections will be conducted to ensure compliance with obligations related to the maintenance activities to be undertaken by the CITY as set forth in this agreement.

(j) Pursuant to Chapter 479, FS and Chapter 14-10, FAC, limitations apply to the use or erection of signs, displays or devices located within 660 feet or less from the nearest edge of the right of way of the ROADWAYS. In certain cases, depending on the nature of the signs that will be erected at the right of way parcel, permits from the DEPARTMENT may be required. Under the circumstance that a permit from the DEPARTMENT is not required, the CITY agrees to comply with all applicable laws, regulations and design standards to ascertain that the sight distance to the ROADWAYS and adjacent driveway intersections shall not be blocked by any sign erected on the right of way parcel.

7. Pursuant to Section 337.29, Florida Statutes (F.S.), deeds or existing right of way maps, including any existing sketch and legal descriptions, if available, will be recorded by the DEPARTMENT into the official records of Broward County. The DEPARTMENT, which currently has jurisdiction of the ROADWAYS, shall supply all right of way documentation.

8. All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

9. This AGREEMENT embodies the whole AGREEMENT of the parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this AGREEMENT shall supersede all previous communications, representations, or AGREEMENTs, either verbal or written, between the parties hereto.

10. This AGREEMENT shall be governed by and construed in accordance with the laws of the State of Florida.

11. Each party is an independent contractor and is not an agent of the other party. Nothing contained in this AGREEMENT shall be construed to create any fiduciary relationship between the parties, during or after the performance of this AGREEMENT. Neither party shall have the authority to bind the other party to any obligation whatsoever to any third party without the express specific written consent of the other.

12. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

13. If any part of this AGREEMENT shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by any other legally constituted body having the jurisdiction to make such determination, the remainder of this AGREEMENT shall remain in full force and effect provided that the part of this AGREEMENT thus invalidated or declared unenforceable is not material to the intended operation of this AGREEMENT.

14. The parties may be reached at the following addresses and phone numbers.

City of Pompano Beach
Dennis Beach
City Manager
100 West Atlantic Boulevard
Pompano Beach, FL 33060
Telephone: (954) 786-4601

Florida Department of Transportation
Steven C. Braun, P.E.
District Planning and Environmental Engineer
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421
Telephone: (954) 777-4143

With a copy to:

City Attorney
100 West Atlantic Boulevard
Pompano Beach, Florida 33061-2083
Telephone: (954) 786-4614

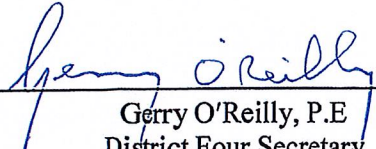
Office of General Counsel
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309-3421
Telephone: (954) 777-4529

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

CITY OF POMPANO BEACH

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

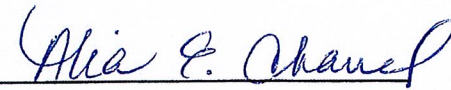
BY: See City Signature Page Attached
Lamar Fisher
Mayor, City of Pompano Beach

BY: 
Gerry O'Reilly, P.E.
District Four Secretary

Date: _____

Date: 4/7/2016

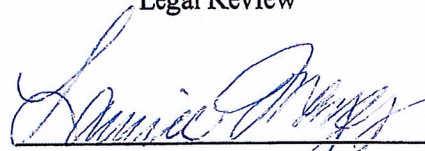
ATTEST: _____

ATTEST: 

Legal Review

Legal Review

Mark E. Berman
City Attorney


Laurice Mayes, Esq.
District Four Legal Counsel

"CITY":

Witnesses:

CITY OF POMPANO BEACH

Sandra M. Morway
Signature

By: [Signature]
LAMAR FISHER, MAYOR

Christine Kendel
Signature

By: [Signature]
DENNIS W. BEACH
CITY MANAGER

Attest:

[Signature]
ASCELETA HAMMOND
CITY CLERK

(SEAL)

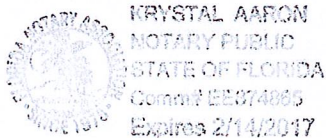
Approved As To Form:

[Signature]
MARK E. BERMAN
CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 25th day of March, 2016 by LAMAR FISHER as Mayor, DENNIS W. BEACH, as City Manager and ASCELETA HAMMOND, City Clerk of the City of Pompano Beach, Florida, a municipal corporation, who is personally known to me.

NOTARY'S SEAL:



[Signature]
NOTARY PUBLIC, STATE OF FLORIDA

Krystal Aaron
(Name of Acknowledger Typed, Printed or Stamped)

Commission Number

EXHIBIT 5

ULTIMATE SECTION FOR ATLANTIC BOULEVARD BASED ON STREET DIAGRAM
ADOPTED IN TO/EOD ZONING CODE FOR THE EAST TRANSIT ORIENTED CORRIDOR

ATLANTIC BOULEVARD STREET SECTIONS EOD ZONING DISTRICT

DIAGRAM 155.3709.F2. STREET DEVELOPMENT REGULATING DIAGRAM

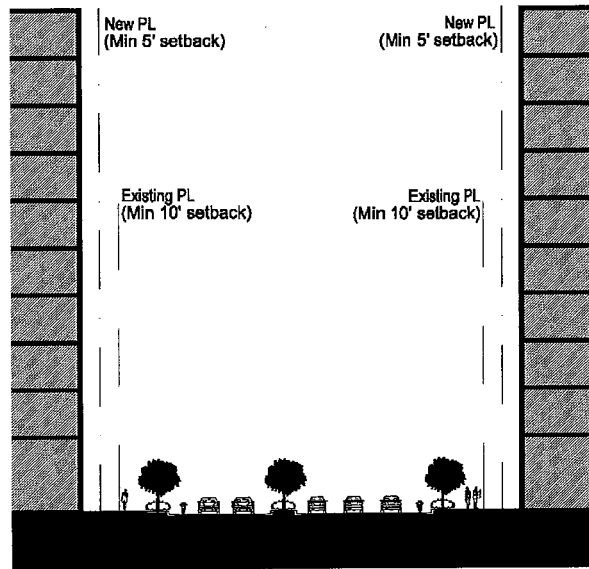
A. Atlantic Blvd. (East of 25th Ave)

KEY:

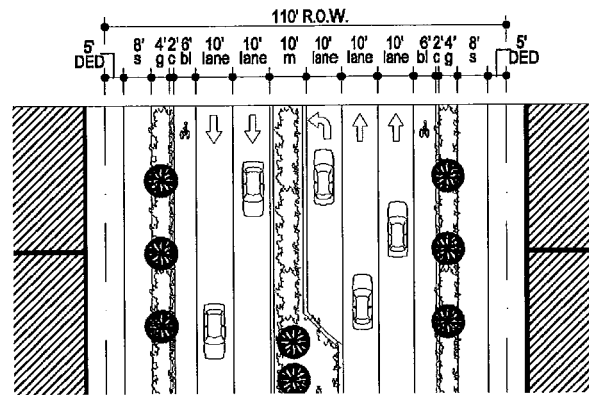
tg: tree grate
m: median
bl: bike lane
g: landscape strip
lane(s): lane(s)
s: sidewalk
st: shared trail
c: curb and gutter
p: parking
sb: setback

DED: Dedication
EAS: Easement
O.C.: On center
R.O.W.: Right-Of-Way

SECTION



PLAN



Street Type	Primary Street, Greenway
Sub-District	Core
Traffic Lanes	4
Parking Lanes	0
Bike Lanes	6' in each direction
Walkway Type	8' concrete sidewalk on both sides of the street
Landscape Type	6' continuous landscape strip
Curb Type	Raised Curb
Street Trees	Placed between 15' and 25' O.C.; Provided 1 per 30 feet of frontage
Median	20' Minimum, 10' with turning lane
Notes	<ol style="list-style-type: none"> 1. A 5' dedication shall only be required if the roadway remains in the County's Traffic Ways Plan and the minimum right-of-way is required to be 110' by the County. 2. If a 5' dedication is not required the minimum setback shall be 10' from the existing right-of-way line.

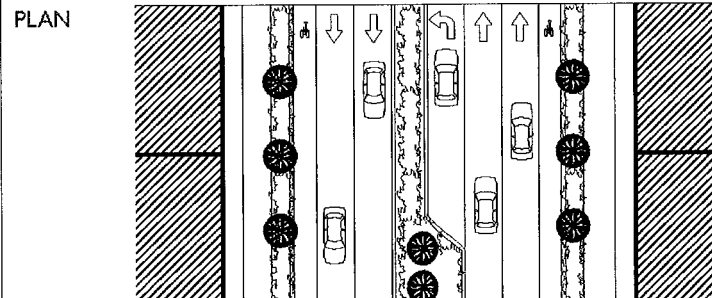
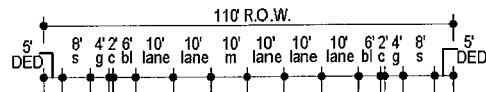
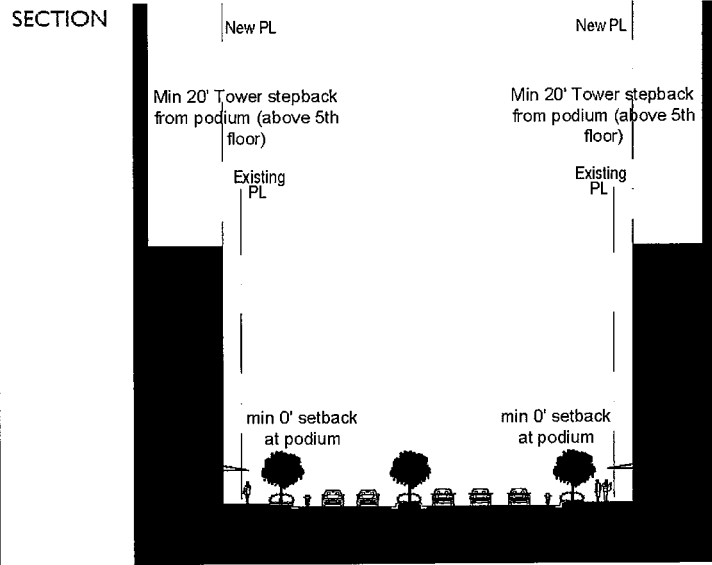
DIAGRAM 155.3709.F2. STREET DEVELOPMENT REGULATING DIAGRAM

B. Atlantic Blvd. (Federal Hwy to 25th Ave)

KEY:

tg: tree grate
m: median
bl: bike lane
g: grass
lane: lane
s: sidewalk
st: shared trail
c: curb and gutter
p: parking
sb: setback

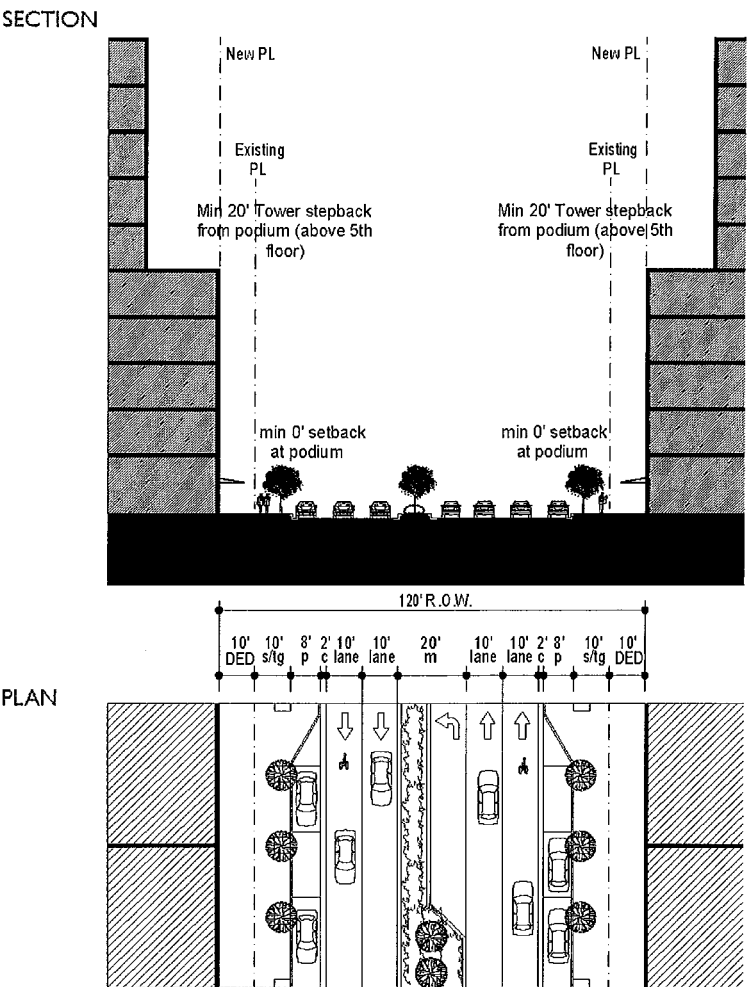
DED: Dedication
EAS: Easement
O.C.: On center
R.O.W.: Right-Of-Way



Street Type	Primary Street, Greenway
Sub-District	Core
Traffic Lanes	4
Parking Lanes	0 ⁽³⁾
Bike Lanes	6' in each direction
Walkway Type	8'-6" concrete sidewalk on north side / 7'-6" concrete sidewalk on south side
Landscape Type	6' continuous landscape strip
Curb Type	Raised Curb
Street Trees	Placed between 15' and 25' O.C.; Provided 1 per 30 feet of frontage
Median	20' Minimum, 10' with turning lane
Notes	<p>1. A 5' dedication shall only be required if the roadway remains in the County's Traffic Ways Plan and the minimum right-of-way is required to be 110' by the County.</p> <p>2. If a 5' dedication is not required the minimum setback shall be 0' from the existing right-of-way line.</p> <p>3. Full block redevelopment shall be required to provide on street parking along Atlantic Blvd.</p>

DIAGRAM I 55.3709.F2. STREET DEVELOPMENT REGULATING DIAGRAM
C. Atlantic Blvd. (Federal Hwy to S. Cypress Rd)

- KEY:**
- tg: tree grate
 - m: median
 - bl: bike lane
 - g: landscape strip
 - lane(s): lane(s)
 - s: sidewalk
 - st: shared trail
 - c: curb and gutter
 - p: parking
 - sb: setback
- DED:** Dedication
EAS: Easement
O.C.: On center
R.O.W.: Right-Of-Way



Street Type	Primary Street, Greenway
Sub-District	Core / Center
Traffic Lanes	4
Parking Lanes	2
Bike Lanes	Sharrow in outside lane in each direction
Walkway Type	15' ⁽¹⁾ or 5' ⁽²⁾ minimum concrete sidewalk
Landscape Type	5' x 5' tree grates
Curb Type	Raised Curb
Street Trees	Placed between 15' and 25' O.C.; Provided 1 per 25 feet of frontage
Median	20' Minimum, 10' with turning lane
Notes	<ol style="list-style-type: none">1. A 10' dedication shall only be required if the roadway remains in the County's Traffic Ways Plan and the minimum right-of-way is required to be 120' by the County.2. If a 10' dedication is not required the minimum setback shall be 0' from the existing right-of-way line.