



# Broward County

## Legislation Details (With Text)

**File #:** 23-120      **Version:** 1

**Status:** Agenda Ready

**In control:** Public Works and Environmental Services - Highway Construction and Engineering Division

**On agenda:** 2/7/2023      **Final action:** 2/7/2023

**Title:** A. MOTION TO APPROVE Revocable License Agreement between Broward County, Luxcom Sunrise, LLC and the City of Sunrise for installation and maintenance of improvements along the north and south sides of Oakland Park Boulevard west of North University Drive, at no cost to Broward County; and authorize Mayor and Clerk to execute same. (Commission District 9)

ACTION: (T-10:40 AM) Approved.

VOTE: 9-0. Vice-Mayor Rich voted in the affirmative telephonically.

B. MOTION TO APPROVE Agreement between Broward County and Luxcom Sunrise, LLC for the construction of traffic signalization and sidewalk improvements at the intersection of Oakland Park Boulevard and NW 81 Avenue in the City of Sunrise, at an estimated cost of \$629,103 to Broward County and \$170,601 to Luxcom Sunrise, LLC; and authorize Mayor and Clerk to execute same. (Commission District 9)

ACTION: (T-10:40 AM) Approved.

VOTE: 9-0. Vice-Mayor Rich voted in the affirmative telephonically.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Revocable License Agreement, 2. Exhibit 2 - Traffic Signal and Sidewalk Improvements Agreement, 3. Exhibit 3 - Location Map for Revocable License Agreement

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Broward County Commission Regular Meeting

**Director's Name:** Trevor M. A. Fisher

**Department:** Public Works      **Division:** Highway Construction & Engineering

### Information

#### Requested Action

A. MOTION TO APPROVE Revocable License Agreement between Broward County, Luxcom Sunrise, LLC and the City of Sunrise for installation and maintenance of improvements along the north and south sides of Oakland Park Boulevard west of North University Drive, at no cost to Broward County; and authorize Mayor and Clerk to execute same. **(Commission District 9)**

**ACTION: (T-10:40 AM) Approved.**

**VOTE: 9-0. Vice-Mayor Rich voted in the affirmative telephonically.**

B. MOTION TO APPROVE Agreement between Broward County and Luxcom Sunrise, LLC for the construction of traffic signalization and sidewalk improvements at the intersection of Oakland Park Boulevard and NW 81 Avenue in the City of Sunrise, at an estimated cost of \$629,103 to Broward County and \$170,601 to Luxcom Sunrise, LLC; and authorize Mayor and Clerk to execute same. **(Commission District 9)**

***ACTION: (T-10:40 AM) Approved.***

***VOTE: 9-0. Vice-Mayor Rich voted in the affirmative telephonically.***

**Why Action is Necessary**

A. Board of County Commissioners' approval is required to enter into revocable license agreements.

B. Board of County Commissioners' approval is required to enter into legal agreements with Developers.

**What Action Accomplishes**

A. Formalizes the responsibilities of Broward County, Luxcom Sunrise, LLC and the City of Sunrise regarding installation and maintenance of improvements along the north and south sides of Oakland Park Boulevard west of North University Drive.

B. Formalizes the responsibilities of Broward County and Luxcom Sunrise, LLC regarding construction of the traffic signalization and sidewalk improvements at the intersection of Oakland Park Boulevard and NW 81 Avenue.

**Is this Action Goal Related**

No

**Previous Action Taken**

None

**Summary Explanation/Background**

PUBLIC WORKS DEPARTMENT/HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION RECOMMENDS APPROVAL.

Oakland Park Boulevard, west of North University Drive, is a County road located in the City of Sunrise. Luxcom Sunrise, LLC is developing its private property located at the northwest corner of the intersection of Oakland Park Boulevard and North University Drive for residential use. As part of its property development, Luxcom Sunrise, LLC has designed and County approved, a new traffic signal system and sidewalk improvements for installation at the intersection of Oakland Park Boulevard and NW 81 Avenue. At the same time, the County was planning to upgrade the existing span-wire signal system at this location to a mast arm signal system.

Aside from these improvements, Luxcom Sunrise, LLC and the City of Sunrise desire to install landscaping, irrigation and other improvements along the north and south sides of Oakland Park Boulevard fronting and across the private property.

Motion A seeks Board approval of a Revocable License Agreement (Agreement) between Broward County (County), Luxcom Sunrise, LLC and the City of Sunrise for installation and maintenance of

improvements along the north and south sides of Oakland Park Boulevard west of University Drive (Exhibit 1). Exhibit 3 is a location map of the Revocable License Area. The proposed improvements include installation of decorative pavers, benches, public art, trash receptacles, bicycle racks, one monument sign, meandering sidewalk, landscaping, and irrigation improvements for approximately 732 linear feet along the north side, and approximately 216 linear feet along the south side of Oakland Park Boulevard. The landscaping improvements shall incorporate a minimum 50% native species by plant types and shall follow the Broward County NatureScape program and Florida-Friendly Landscaping principles. The Agreement will allow Luxcom Sunrise, LLC and the City of Sunrise to install the improvements within County right-of-way. Luxcom Sunrise, LLC will be obligated to maintain these improvements. If Luxcom Sunrise, LLC fails to maintain the improvements, the City of Sunrise is obligated to perform the maintenance. The County can terminate the Agreement with or without cause. If the Agreement is terminated, Luxcom Sunrise, LLC must remove all improvements within the Revocable License Area and restore same to its original condition or to such condition as approved in writing by the Contract Administrator. This Revocable License Agreement was deliberately held to coincide with the agreement between County and Luxcom Sunrise, LLC for traffic signal and sidewalk improvements at Oakland Park Boulevard and NW 81 Avenue intersection since these improvements overlap.

Motion B seeks Board approval of an Agreement between County and Luxcom Sunrise, LLC (Luxcom) for traffic signal and sidewalk improvements at Oakland Park Boulevard and NW 81 Avenue intersection (Exhibit 2). The proposed improvements include installation of a new traffic signal system consisting of mast arm supported signals, traffic control equipment and appropriate signal infrastructure, ADA curb ramps, sidewalk, asphalt milling and resurfacing, and signing and pavement markings. Under this Agreement, the County shall construct the signal and sidewalk improvements; provide construction management services which include construction engineering and inspection, and materials sampling and testing during construction; pay 80% or \$629,103 of the total signal improvements cost estimated at \$786,379; and provide maintenance of the signal improvements upon final completion. Luxcom shall pay remaining 20% or \$157,276 of the total signal improvement cost, pay the County 100% of the total sidewalk improvements at an estimated cost of \$13,325, and provide Engineer-of-Record services during construction of improvements. This Agreement may be terminated for cause by the County if Luxcom fails to perform any of its obligations. It can also be terminated by the County Administrator if the County Administrator determines that termination is necessary to protect the public health or safety.

The two Agreements have been reviewed and approved as to form by the Office of the County Attorney.

### **Source of Additional Information**

Richard C. Tornese, P.E. Director, Highway Construction and Engineering Division, (954) 577-4579  
Trevor M. A. Fisher, P.E., MBA, Director, Public Works Department, (954) 357-6410

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

A. There is no fiscal impact to the County.

B. Funds for the estimated cost of \$629,103 are available in the Engineering Capital Outlay Fund for Mast Arms.