

SECTION NO: 86100
S.R. NO.(S): 7
COUNTY: Broward
PERMIT NO.(S): 13-L-491-0007

DISTRICT FOUR (4) AMENDMENT NUMBER FOUR (4)
TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND
CITY OF COCONUT CREEK LANDSCAPE
INCLUSIVE MEMORANDUM OF AGREEMENT

This is Amendment Number Four (4) to the Agreement dated May 27, 2009, made and entered into this 5th day of December, 2013 by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT and the **City of Coconut Creek**, a municipal subdivision of the State of Florida, hereinafter called the AGENCY.

WHEREAS, the parties entered into the Inclusive Maintenance of Agreement dated, May 27, 2009 for the purpose of maintaining the landscape improvements by the AGENCY on various roads including State Road 7 (US 441) and;

WHEREAS, the DEPARTMENT and the AGENCY have agreed to allow the adjacent property owner to add additional landscape improvements to be installed on State Road 7 (US 441) in accordance with the above referenced Agreement;

WHEREAS, the AGENCY by Resolution No. 2013-119 dated Nov. 14, 2013 attached hereto and by this reference made a part hereof, desires to enter into this Agreement and authorized its officers to do so;

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

1. The Inclusive Agreement dated May 27, 2009 shall be modified by substituting the following for paragraph number 8, page 7 of 18:

ADJACENT PROPERTY OWNER IMPROVEMENTS

The DEPARTMENT may allow an adjacent property owner to construct additional landscape improvements within the limits of the right of way identified in Exhibit A of this document that the AGENCY shall be responsible for maintaining under this agreement subject to the following conditions:

- (a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT and shall require a valid permit attached with a letter of consent to said plans by the AGENCY. The plans shall not be changed or deviated from without written approval by the DEPARTMENT and the AGENCY.

- (b) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.
 - (c) The AGENCY agrees to comply with the requirements of the Agreement with regard to any additional landscape improvements installed by an adjacent owner.
 - (d) If the Adjacent Property Owner's landscape improvements include additional maintenance requirements, the DEPARTMENT and the AGENCY shall agree in writing and require signature from the responsible AGENCY'S City Manager or Mayor and the DEPARTMENT shall enter into an Agreement Amendment describing the additional requirements.
2. Pursuant to the provision included in the Inclusive Agreement dated May 27, 2009, Paragraph 8, page 7 of 18. The AGENCY has agreed to allow the Adjacent Property Owner, Casa Palma to construct additional landscape improvements or to modify an improvement located as indicated in **Exhibit "A"** State Road 7 (US 441) between (M.P.22.97) and (M.P. 23.10) in accordance with the plans attached as **Exhibit "B"**.
 3. The AGENCY shall agree to maintain the landscape improvements in the Inclusive Agreement described above and as provided in accordance with the Maintenance Plan, **Exhibit "E"** of the original agreement.
 4. The DEPARTMENT shall modify the Inclusive Agreement dated May 27, 2009, by amending **Exhibit "C"** to include in the list of "Agreements Superseded By This Agreement" the following agreement;

2/8/01 State Road 7 (US 441) eastern right-of-way adjacent to the McJames PCD/Home Depot, maintenance shall include landscape and irrigation systems. Resolution Number 2001-22 (2/8/01).

Except as modified by this amendment, all terms and conditions of the original Agreement and all amendments there to shall remain in full force and effect.

Exhibits

Exhibit A - Landscape Improvements Limits and Maintenance Boundaries and Location Map

Exhibit B - Landscape Improvement Plans

In Witness whereof, the parties hereto have executed with this Amendment effective the 5th day December year written and approved.

City of Coconut Creek
a municipal corporation

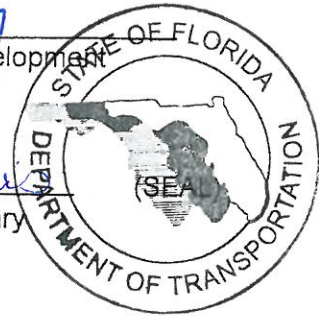
State of Florida
Department of Transportation

By: Rebecca Jolley
Mayor/Manager

By: Greg O'Reilly
Director of Transportation Development

Attest: Jacquelyn Cook (SEAL)
Clerk

Attest: Lynn Lewis
Executive Secretary



Legal Review
Paul S. Stuart
CITY Attorney
11/25/13
Date

Legal Review
David Radwan
Office of the General Counsel
12/4/2013
Date

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EXHIBIT A

**LANDSCAPE IMPROVEMENTS LIMITS AND MAINTENANCE
BOUNDARIES AND LOCATION MAP**

I. LANDSCAPE PROJECT LOCATION:

State Road 7 (US 441) from (M.P. 22.97) to (M.P. 23.10)

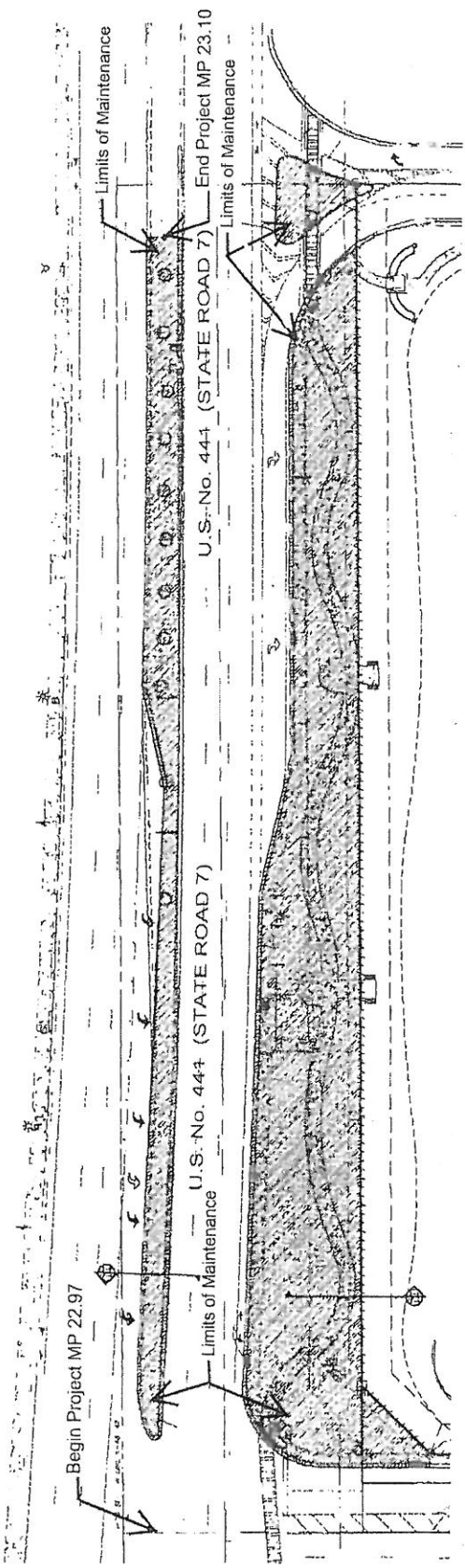
**II. INCLUSIVE LIMITS OF LANDSCAPE IMPROVEMENTS MAINTENANCE FOR
State Road 7 (US 441):**

State Road 7 (US 441)
M.P. 20.861 (Winston Park / Creekside Drive) to M.P. 24.591 (Broward /
Palm Beach County Line)

III. LOCATION MAP OF THE PROJECT:

***All other limits of the original agreement and amendments shall apply**

Please See Attached



LIMITS OF MAINTENANCE BY THE CITY OF
 COCONUT CREEK



SCALE: NOT TO SCALE

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EXHIBIT B

LANDSCAPE IMPROVEMENT PLANS

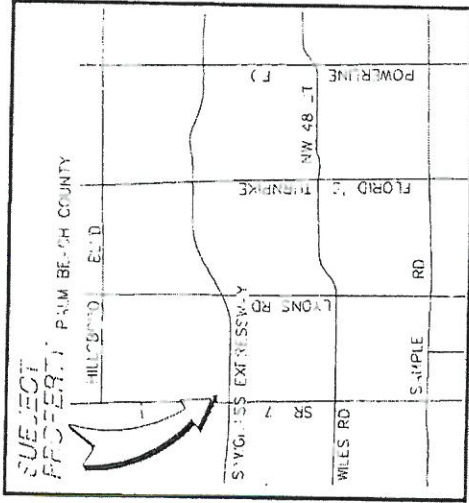
The Adjacent Property Permittee agrees to install the Project in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: **Hugh Johnson, RLA
Architectural Alliance**

Dated August 20, 2013

CASA PALMA US 441 LANDSCAPE PLANS

SECTION 6 T48S-R42E



LOCATION MAP
SCALE 1" = 100'

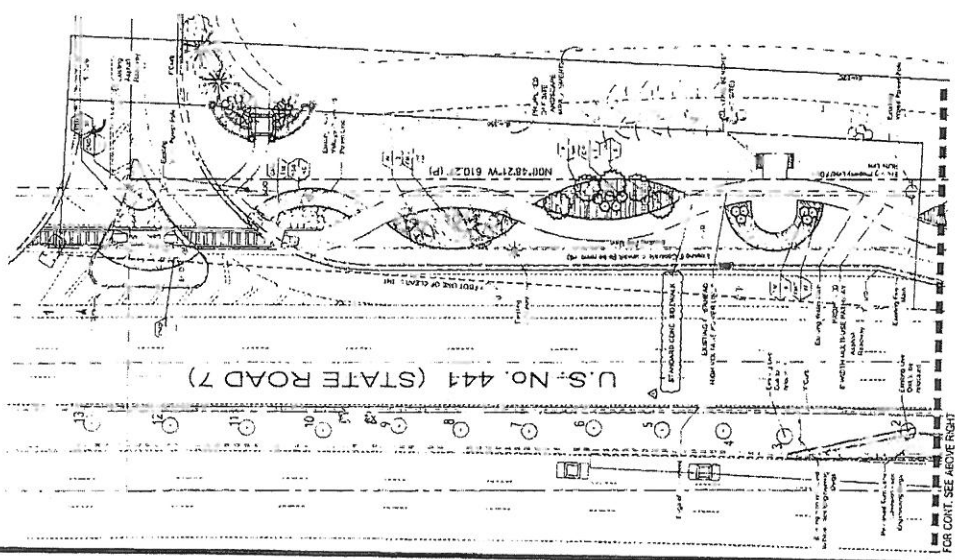
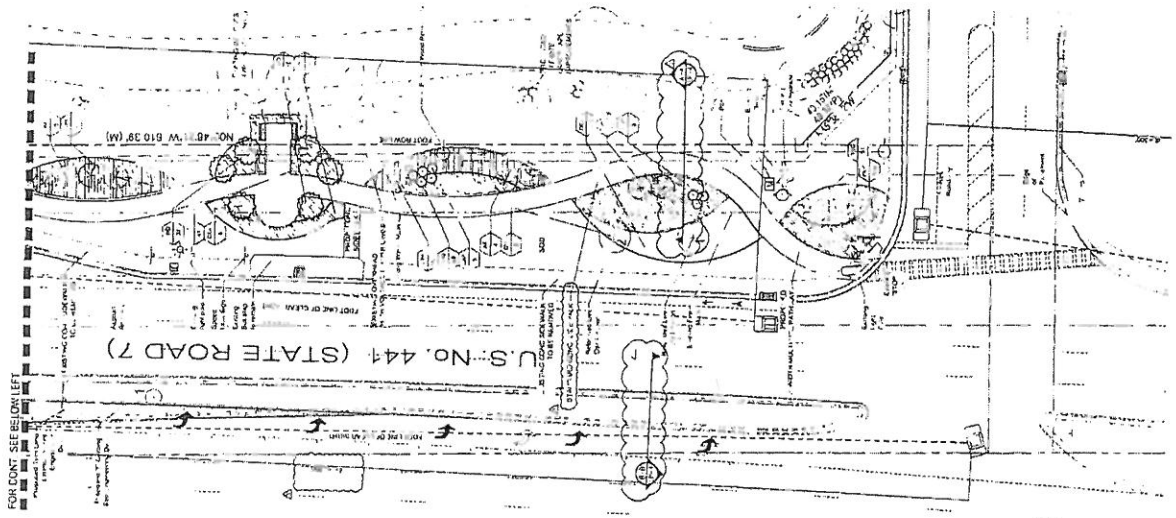
LAND DESCRIPTION
 Project: "CASA PALMA" - a portion of "CASA PALMA" as shown on the plat of "CASA PALMA" recorded in Public Records of Palm Beach County, Florida.

PERMIT NO.: 2013-L-497-00097
 SECTION NO.: 86100
 STATE ROAD NO.: 7

ALL INFORMATION ON THIS PERMIT IS THE PROPERTY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION AND SHALL BE KEPT IN THE OFFICE OF THE ENGINEER, STATE ROAD DEPARTMENT, TALLAHASSEE, FLORIDA.

<p>ARCHITECTURAL ALLIANCE</p>	<p>FDOT Landscape Plan</p> <p>DESIGNER: J. S. G. ARCHITECTS</p> <p>27 DE LORENT, LLC</p> <p>11000 UNIVERSITY BLVD, SUITE 100</p> <p>DADE COUNTY, FLORIDA</p>	<p>DATE: 11/13/13</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: 11000</p> <p>SECTION: 86100</p> <p>STATE ROAD: 7</p> <p>LP-1</p>
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ARCHITECTURAL ALLIANCE 1000 N. W. 10th St. Fort Lauderdale, FL 33304 Phone: (305) 463-1111 Fax: (305) 463-1112 Website: www.aalliance.com		FOOT Landscape Plan ZONE DEVELOPMENT 11 COUNTY OF DEK, FLORIDA 11/11/11	DATE: 11/11/11	DRAWN BY: JLD	CHECKED BY: JLD	SCALE: 1" = 20'-0"
			PROJECT NO.: 11-11-11	SHEET NO.: 11-11-11	TOTAL SHEETS: 11-11-11	LP-2



NOTE: ANY EXISTING VEGGATION IN MEDIAN DAMAGED BY TURN LANE EXPANSION TO BE REPAIRED TO FULLY OPERATIONAL CONDITION.
 TURN LANE EXPANSION ON STATE RD 7 & SIDEWALK IMPROVEMENTS ARE SUBMITTED UNDER SEPARATE ENGINEERING PERMIT #2013-04-1-0021

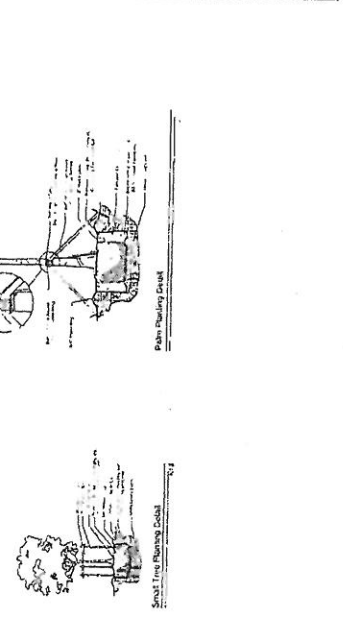
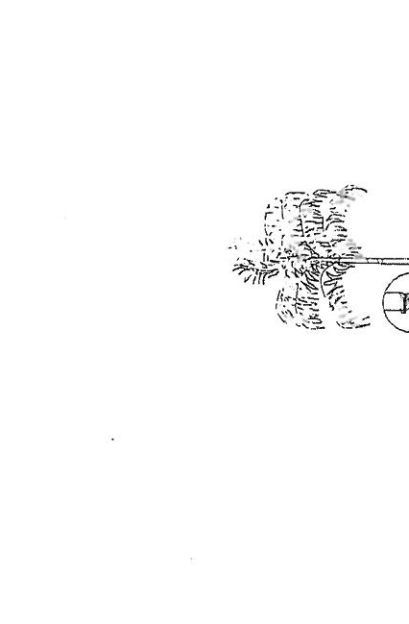
SCALE: 1" = 20'-0"

FOR CONT. SEE BELOW LEFT

FOR CONT. SEE ABOVE RIGHT

PLANT LIST

Code	Quantity	Plant Name / Comments	Specifications
C-1	1	1' x 1' x 1' (L x W x H) - 100% Shade Tolerant	1. 1' x 1' x 1' (L x W x H) - 100% Shade Tolerant
C-2	1	2' x 2' x 2' (L x W x H) - 100% Shade Tolerant	1. 2' x 2' x 2' (L x W x H) - 100% Shade Tolerant
C-3	1	3' x 3' x 3' (L x W x H) - 100% Shade Tolerant	1. 3' x 3' x 3' (L x W x H) - 100% Shade Tolerant
C-4	1	4' x 4' x 4' (L x W x H) - 100% Shade Tolerant	1. 4' x 4' x 4' (L x W x H) - 100% Shade Tolerant
C-5	1	5' x 5' x 5' (L x W x H) - 100% Shade Tolerant	1. 5' x 5' x 5' (L x W x H) - 100% Shade Tolerant
C-6	1	6' x 6' x 6' (L x W x H) - 100% Shade Tolerant	1. 6' x 6' x 6' (L x W x H) - 100% Shade Tolerant
C-7	1	7' x 7' x 7' (L x W x H) - 100% Shade Tolerant	1. 7' x 7' x 7' (L x W x H) - 100% Shade Tolerant
C-8	1	8' x 8' x 8' (L x W x H) - 100% Shade Tolerant	1. 8' x 8' x 8' (L x W x H) - 100% Shade Tolerant
C-9	1	9' x 9' x 9' (L x W x H) - 100% Shade Tolerant	1. 9' x 9' x 9' (L x W x H) - 100% Shade Tolerant
C-10	1	10' x 10' x 10' (L x W x H) - 100% Shade Tolerant	1. 10' x 10' x 10' (L x W x H) - 100% Shade Tolerant



Species	O.A. Height	Condition	Trunk Circumference at 2' Height	Cr. Trunk	Status
1	10'	Fair	12"	4"	Good
2	12'	Poor	14"	5"	Remove
3	14'	Good	16"	6"	Keep
4	16'	Fair	18"	7"	Monitor
5	18'	Poor	20"	8"	Remove
6	20'	Good	22"	9"	Keep
7	22'	Fair	24"	10"	Monitor
8	24'	Poor	26"	11"	Remove
9	26'	Good	28"	12"	Keep
10	28'	Fair	30"	13"	Monitor
11	30'	Poor	32"	14"	Remove
12	32'	Good	34"	15"	Keep
13	34'	Fair	36"	16"	Monitor
14	36'	Poor	38"	17"	Remove
15	38'	Good	40"	18"	Keep
16	40'	Fair	42"	19"	Monitor
17	42'	Poor	44"	20"	Remove
18	44'	Good	46"	21"	Keep
19	46'	Fair	48"	22"	Monitor
20	48'	Poor	50"	23"	Remove
21	50'	Good	52"	24"	Keep
22	52'	Fair	54"	25"	Monitor
23	54'	Poor	56"	26"	Remove
24	56'	Good	58"	27"	Keep
25	58'	Fair	60"	28"	Monitor
26	60'	Poor	62"	29"	Remove
27	62'	Good	64"	30"	Keep
28	64'	Fair	66"	31"	Monitor
29	66'	Poor	68"	32"	Remove
30	68'	Good	70"	33"	Keep
31	70'	Fair	72"	34"	Monitor
32	72'	Poor	74"	35"	Remove
33	74'	Good	76"	36"	Keep
34	76'	Fair	78"	37"	Monitor
35	78'	Poor	80"	38"	Remove
36	80'	Good	82"	39"	Keep
37	82'	Fair	84"	40"	Monitor
38	84'	Poor	86"	41"	Remove
39	86'	Good	88"	42"	Keep
40	88'	Fair	90"	43"	Monitor
41	90'	Poor	92"	44"	Remove
42	92'	Good	94"	45"	Keep
43	94'	Fair	96"	46"	Monitor
44	96'	Poor	98"	47"	Remove
45	98'	Good	100"	48"	Keep

NOTES:

1. All plants to be installed in accordance with the specifications and drawings.

2. All plants to be installed in accordance with the specifications and drawings.

3. All plants to be installed in accordance with the specifications and drawings.

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18. All plants to be installed in accordance with the specifications and drawings.

19. All plants to be installed in accordance with the specifications and drawings.

20. All plants to be installed in accordance with the specifications and drawings.

SPECIAL INSTRUCTIONS

1. All plants to be installed in accordance with the specifications and drawings.

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20. All plants to be installed in accordance with the specifications and drawings.

ARCHITECTURAL ALLIANCE

PARKLAND NURSERY AND DESIGN

204 DE LOACH BLVD
COCONUT CREEK, FLORIDA

RESOLUTION NO. 2013-119

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AMENDMENT TO THE INCLUSIVE MAINTENANCE AGREEMENT, DATED MAY 27, 2009, BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF COCONUT CREEK FOR THE MAINTENANCE OF LANDSCAPE, HARDSCAPE, AND IRRIGATION IMPROVEMENTS ALONG VARIOUS STATE ROADS; PROVIDING AN EFFECTIVE DATE

WHEREAS, In May of 2009, the City entered into an Inclusive Maintenance Agreement with the Florida Department of Transportation (FDOT) for the purpose of maintaining certain landscape, hardscape, and irrigation improvements on various State Roads, including State Road 7; and

WHEREAS, MCA Casa Palma Owner, LLC wishes to install landscape and pedestrian improvements as shown and listed in the attached Amendment to said Inclusive Maintenance Agreement, located within right-of-way for State Road 7 and controlled by FDOT; and

WHEREAS, FDOT will only accept an agreement for said work and maintenance from the City as the responsible public entity; and

WHEREAS, MCA Casa Palma Owner, LLC, has agreed to accept responsibility to complete and maintain the landscape and pedestrian improvements by separate agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the City Manager is hereby authorized to execute the attached Amendment to the Inclusive Maintenance Agreement between FDOT and the City.

Section 2: That this Resolution shall be in full force and effect immediately upon its passage and adoption.


Adopted this 14th day of November, 2013 on a motion by
Vice Mayor Aronson and seconded by Commissioner Belvedere.

Ayes 4

Nays 0

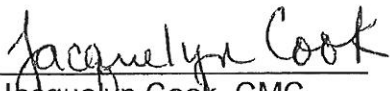
Absent or

Abstaining 1



Rebecca A. Tooley, Mayor

Attest:



Jacquelyn Cook, CMC
Acting City Clerk

Tooley Aye

Aronson Aye

Sarbone Absent

Belvedere Aye

Welch Aye