



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** September 6, 2022

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** Amendment Number five (5) to the Florida Department of Transportation Landscape Inclusive Memorandum of Agreement regarding the property located 4005 South Ocean Boulevard

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## SUMMARY:

On July 20, 2017, the Florida Department of Transportation (FDOT) and the Town of Highland Beach entered into a Landscape Inclusive Maintenance Memorandum of Agreement ("Agreement") for the purpose of maintaining landscape improvements on State Road A1A (South Ocean Boulevard). Since the execution of this Agreement, there have been four (4) amendments to the Agreement as follows:

AMENDMENT NUMBER	LOCATION	FDOT PERMIT NO.	DATE OF EXECUTED AMENDMENT
1	3615 S. Ocean Blvd.	2019-L-496-00005	February 5, 2020
2	Several	2020-L-496-00002	February 19, 2020
3	2352 S. Ocean Blvd.	2020-L-496-00005	December 21, 2020
4	2500 S. Ocean Blvd.	2021-L-496-00004	January 21, 2022

New landscaping improvements are proposed to be installed in FDOT's right-of-way along State Road A1A at 4005 South Ocean Boulevard and therefore an amendment (Number 5) to the Agreement is required. While this amendment to the Agreement indicates that the Town will maintain the additional landscape improvements, Section 28-10(a) of the Town Code of Ordinances, requires the property owner to be responsible for the maintenance of all landscaping on adjacent public rights-of way as follows:

### ***Sec. 28-10. - Maintenance standards for cultivated landscape areas.***

*(a) General: The owner, and/or lessee of land subject to this chapter shall be responsible for the maintenance of all landscaping located on their property and on*

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*adjacent public rights-of-way, which shall be maintained in good condition so as to present a healthy, neat and orderly landscape area which shall include, but not be limited to, weeding, mulching, fertilizing, pruning, mowing, and edging as generally set forth in this section.*

At the August 11, 2022 Planning Board (“Board”) meeting, the Board approved a landscape plan (Development Order No. 22-0008) which included landscaping on FDOT’s right-of-way located adjacent to the property. The right-of-way landscaping provided on this plan is consistent with the right-of-way landscaping provided to FDOT via Permit No. 2022-L-496-00008). According to the proposed amended Agreement which was prepared by FDOT, they agree to the installation of the landscaping improvements in the right-of-way of State Road A1A at 4005 South Ocean Boulevard.

Concurrent with this amendment request, is a request for a Town right-of-way permit for the same property which is required pursuant to Town Resolution No. 2021-041.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

Aerial

Resolution

Amendment Number five (5) to FDOT Landscape Inclusive Memorandum of Agreement.

FDOT Inclusive Landscape Maintenance Memorandum of Agreement – July 20, 2017.

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**RECOMMENDATION:**

Recommend Approval of Resolution.