

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

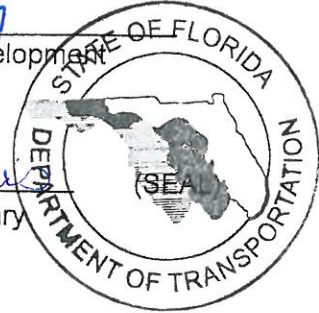
State of Florida
Department of Transportation

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)

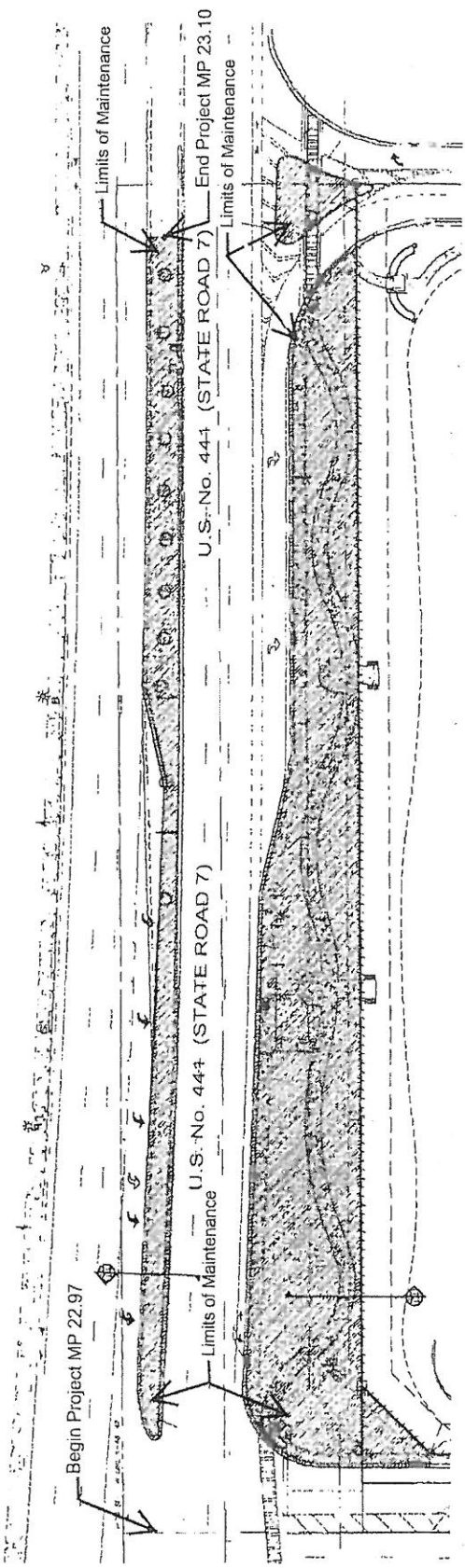
**II. INCLUSIVE LIMITS OF LANDSCAPE IMPROVEMENTS MAINTENANCE FOR
State Road 7 (US 441):**

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

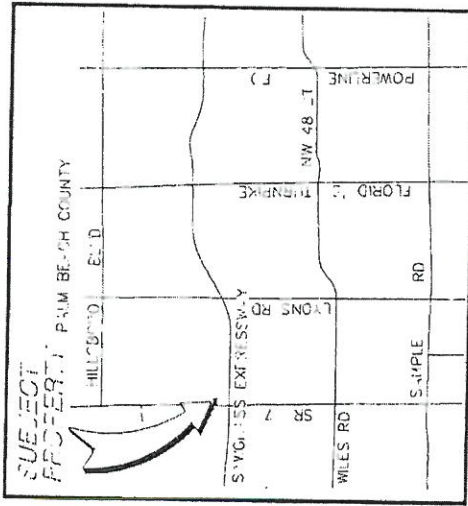
The Adjacent Property Permittee agrees to install the Project in accordance with the plans and specifications attached hereto and incorporated herein.

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" = 1/4" MILE

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.

Preparation: This map was prepared by the undersigned on 08/14/13. It is based on the "CASA PALMA" plat recorded in Public Records of Palm Beach County, Florida, Book 16, Page 10, and the "CASA PALMA" plat recorded in Public Records of Palm Beach County, Florida, Book 16, Page 11.

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

ALL RIGHTS RESERVED
 NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECTURAL ALLIANCE.

ARCHITECTURAL ALLIANCE

1000 S. PALM BEACH BLVD., SUITE 100
 PALM BEACH, FLORIDA 33480
 TEL: 561-832-1100
 FAX: 561-832-1101
 WWW.ARCHITECTURALALLIANCE.COM

FDOT Landscape Plan

DESIGNED BY: [Signature]

DATE: 08/14/13

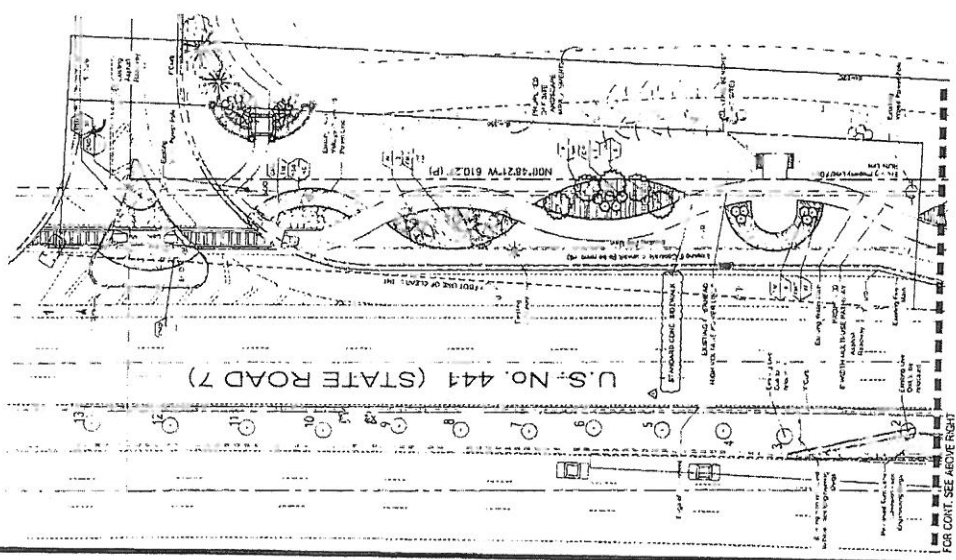
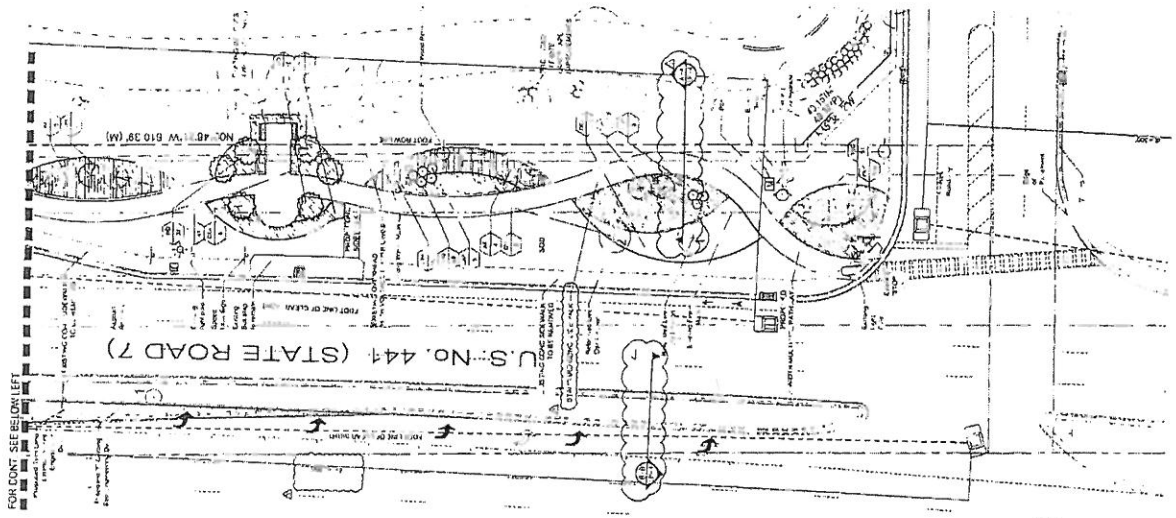
PROJECT: CASA PALMA

SECTION: 86100

STATE ROAD: 7

SCALE: 1" = 1/4" MILE

ARCHITECTURAL ALLIANCE ARCHITECTS 1000 N. W. 12th St. Fort Lauderdale, FL 33304 Phone: (305) 467-1234 Fax: (305) 467-1235 Website: www.aalliance.com		FOOT Landscape Plan ZON DE DEVELOPPEMENT LT 7 COMMUNITE DE LAKE FLORIDA	DATE: 12/08/2010 PROJECT: FOOT DRAWING NO.: LP-2	DATE: 12/08/2010 PROJECT: FOOT DRAWING NO.: LP-2	DATE: 12/08/2010 PROJECT: FOOT DRAWING NO.: LP-2	DATE: 12/08/2010 PROJECT: FOOT DRAWING NO.: LP-2
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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 #2010-045-1-0021



SCALE: 1" = 20'-0"

FOR CONT. SEE BELOW LEFT

FOR CONT. SEE ABOVE RIGHT

