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

By: Rebecca A. Tooley
Mayor/Manager

Attest: Jacquelyn Cook (SEAL)
Clerk

Legal Review
CITY ATTORNEY PAUL S. STUART
Attorney

11/25/13
Date

State of Florida
Department of Transportation

By: Gary O'Reilly
Director of Transportation Development

Attest: Lynn Lewis (SEAL)
Executive Secretary

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Legal Review
Office of the General Counsel

12/4/2013
Date

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

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)

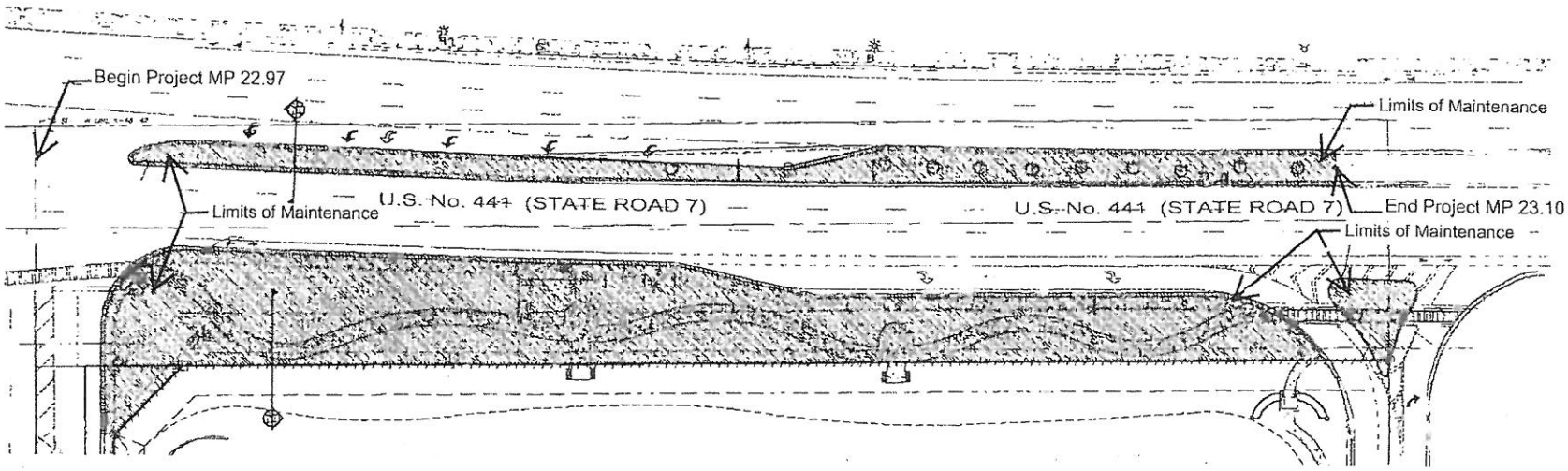
II. INCLUSIVE LIMITS OF LANDSCAPE IMPROVEMENTS MAINTENANCE FOR State Road 7 (US 441):

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



SCALE: NOT TO SCALE

LIMITS OF MAINTENANCE BY THE CITY OF COCONUT CREEK

ARCHITECTURAL ALLIANCE

CASA PALMA

COCONUT CREEK, FLORIDA

Limits of Maintenance Plan

07/30/13

1165

MP-1

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

EXHIBIT B

LANDSCAPE IMPROVEMENT PLANS

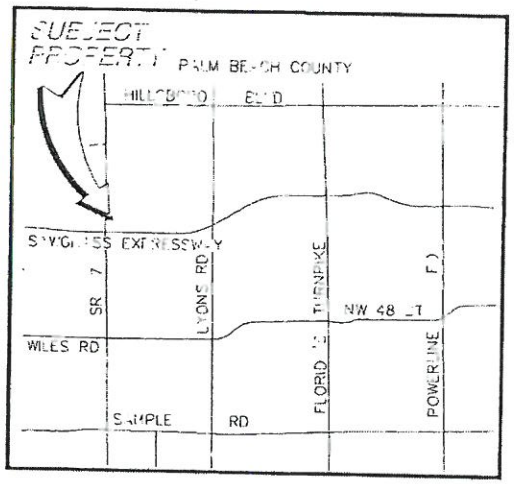
The Adjacent Property Permitee agrees to install the Project in accordance with the plans and specifications attached hereto and incorporated herein.

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: N.T.S.

LEGAL DESCRIPTION

Parcel "B" of NORTHWEST ... PLAT OF TOWNSHIP ... according to the Plat thereof as recorded ... Road No. 441 ... of the Public Records of Broward County, Florida.

Together with ... rights of ingress/egress ... Egress, Utility and Storm Water Drainage ... Easement recorded in Official Records Book ... Page ..., as amended by Amendment recorded ... and ... Book ... Page ... of the Public Records of Broward County, Florida.

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

I HEREBY ... PREPARED UNDER MY DIRECTION ARE TO THE BEST OF MY KNOWLEDGE ... AND EFFECT ... WITH THE INTENT OF THE MANUAL ... UNIFORM ... STANDARDS ... FOR ... AND LICENSED ... AT ... OF THE STATE OF FLORIDA ... FLORIDA STATUTES AND ... LEGISLATURE, CHAPTER 72-328.

ARCHITECTURAL ALLIANCE

FDOT Landscape Plan

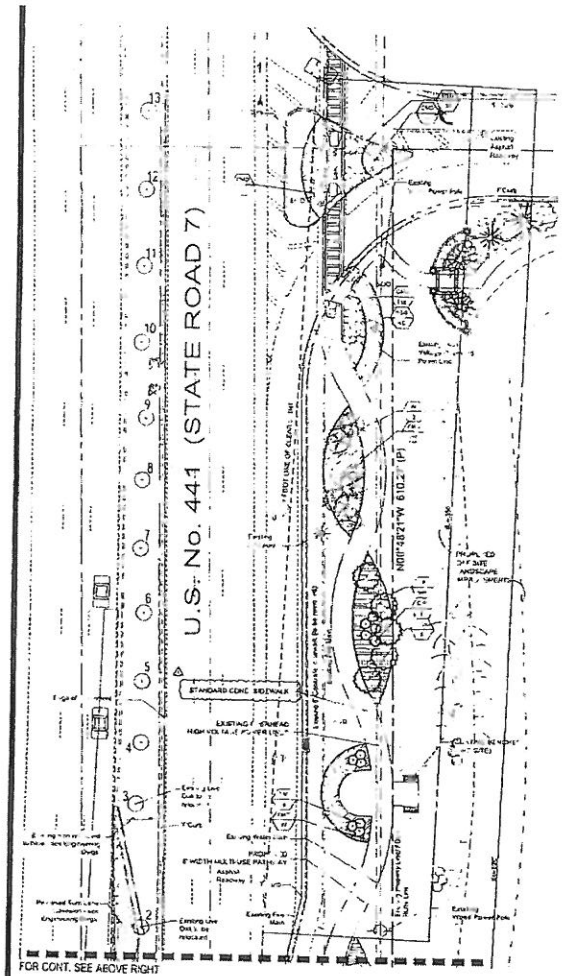
... DEVELOPMENT, LLC
COCONUT CREEK, FLORIDA

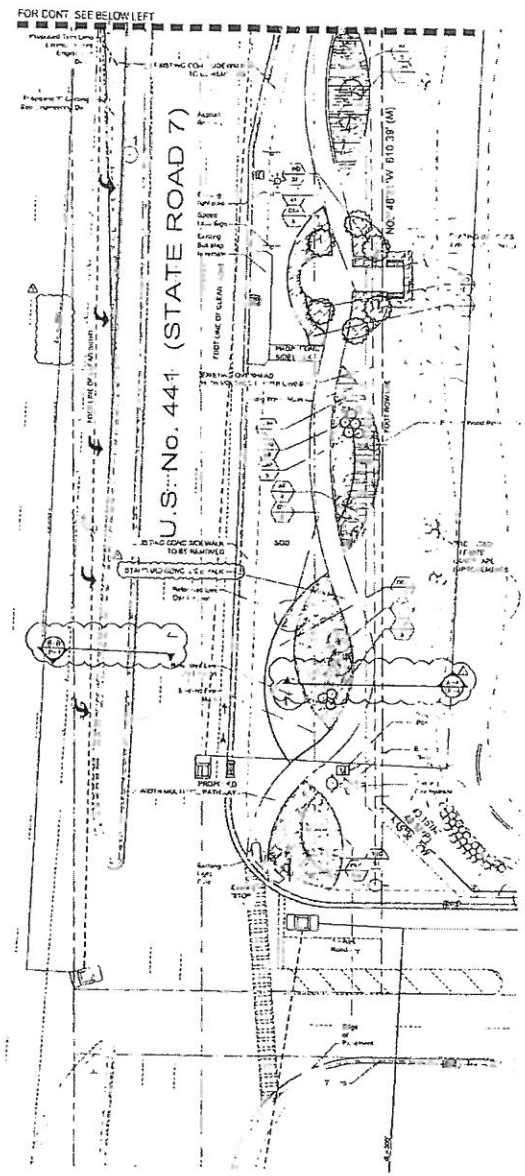
FDOT

07/19/13

1163

LP-1





NOTE: ANY EXISTING IRRIGATION 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-A-491-0023

SCALE: 1" = 20'-0"

ARCHITECTURAL ALLIANCE

FDOT Landscape Plan

ZOM DEVELOPMENT, LLC

COCONUT CREEK, FLORIDA

FDOT Landscape Plan

06-[illegible]/13

Project Number 1185

LP-2

NOTES:

GENERAL PLANTING REQUIREMENTS

All sizes shown for plant material on the plan[illegible] are to be considered Minimum. All plant material must meet or exceed these minimum requirements for both height and spread. Any other requirements for [illegible] shape or effect as noted on the pl[illegible]s) will also be required for final acceptance.

All plant m[illegible] furnished by the landscape contr[illegible] shall be Florida #1 or better as estab[illegible] by "Grades and Standards for Florida Nursery Plants" and "Grades and Standards for F[illegible] Nursery Trees". All material shall be installed as per CSI specifications.

All plant material as included herein shall be warranted by the landscape contr[illegible] for a minimum period as follows. All trees and palms for 12 months, all shrubs, vines, groundcovers and miscellaneous planting materials for 90 days, and all sod areas for 60 days after final acceptance by the owner or owner's representative.

All plant material shall be planted in planting soil that is delivered to the site in a clean loose and friable condition. All soil shall have a well drained chara[illegible]. Soil must be free of all [illegible], and objectionable material including weeds and weed seeds as per CSI specifications.

Twelve inches (12") of planting soil [illegible] shall be [illegible] around and beneath the root ball of all trees and palms, and 1 cubic yard per 50 bedding or groundcover plants.

All land[illegible] areas shall be covered [illegible] or standard seed free Melaleuca mulch to a minimum [illegible] of three inches (3") [illegible] when settled. Cypress bark mulch shall not be used.

All plant material shall be thoroughly watered in at the time of planting; no dry planting permitted. All plant materials shall be planted such that the top of the plant ball is flush with the surrounding grade.

All landscape and [illegible] areas shall be irrigated by a fully automatic sprinkler system adjusted to provide 100% coverage of all landscape areas. All heads shall be adjusted to 100% overlap as per manufacturers specifications and performance standards [illegible] water [illegible]. Each system shall be installed with a rain sensor.

It is the sole responsibility of the landscape contractor to insure that all new plantings receive adequate water during the installation and during all plant warranty periods. Deep watering of all new trees and palms and any supplemental watering that may be required to augment natural rainfall and site irrigation is mandatory to insure proper plant development and shall be provided as a part of this contract.

All plant material shall be installed with fertilizer, which shall be Slow release [illegible] as a complete fertilizer containing the required minimum of trace elements in addition to N-P-K, of which [illegible] of the [illegible] shall be derived from an organic source as per CSI specifications.

Contractors are responsible for coordinating with the owners and appropriate [illegible] agencies to assist in locating and verifying all underground utilities prior to excavation.

All ideas, designs and [illegible] indicated or represented by this drawing are owned by and are the exclusive property of Architectural Alliance.

The plan takes precedence over the plant list.

SPECIAL INSTRUCTIONS

General [illegible] and berm grading to [illegible] inch [illegible] shall be provided by the general contractor. All finished site grading and final [illegible] have been shaping shall be provided by the landscape contractor.

All sod areas as indicated on the planting plan shall receive Stenotaphrum secundatum, [illegible] 'Palmetto' solid sod. It shall be the responsibility of the landscape contractor to include in the bid, the repair of any sod which may be damaged from the landscape installation operations.

#	Species	O.A. Height	Condition	Trunk Circumference at 2' Height	Cl. Trunk	Status
1	Live Oak	16'	Fair	4'-0"	8'	To be relocated
2	Live Oak	[illegible]	Fair	5'-7"	[illegible]	To be relocated
3	Live Oak	[illegible]	[illegible]	5'-4"	[illegible]	To remain
4	Live Oak	12'	Fair	1'-1"	[illegible]	To remain
5	Live Oak	12'	Fair	11"	4'	To remain
6	Live Oak	[illegible]	Fair	[illegible]	4.5'	To remain
7	Live Oak	15'	Fair	[illegible]	6'	To remain
8	Live Oak	17'	[illegible]	[illegible]	13'	To remain
9	Live Oak	22'	Fair	[illegible]	[illegible]	To remain
10	Live Oak	27'	Fair	[illegible]	[illegible]	To remain
11	Live Oak	[illegible]	Good	5'	8'	To remain
12	Live Oak	23'	Fair	[illegible]	[illegible]	To remain
13	Live Oak	14'	[illegible]	[illegible]	[illegible]	To remain

[illegible] PROCEDURES FOR TREE RELOCATION

1) ROOT [illegible] PREPARATION

A. Trees are to be root pruned with [illegible] equipment, 6-8 weeks prior to relocation to a [illegible] of at least [illegible] inches by [illegible].

1. [illegible] root pruned materials by [illegible], weed, [illegible] spraying, [illegible] and other horticulture [illegible].
2. After root pruning, backfill with good rooting medium [illegible] with organic fertilizer to promote [illegible] growth.
3. Mulch to reduce [illegible], discourage foot traffic, [illegible] moisture, and maintain temperature [illegible].

B. R[illegible] Root ball [illegible] according to minimum [illegible] set forth in Grades and Standards for Nursery Plants Part [illegible], Palms and Trees, Florida Department of Agriculture.

[illegible]

C. [illegible] 3 weeks after [illegible] and before [illegible], the canopies shall be pruned to remove dead, diseased, broken branches, low hanging [illegible], or branches which would otherwise [illegible] strapping, lifting activities.

2) [illegible]

A. [illegible] shall be lifted using [illegible] straps, with [illegible] created with [illegible] straps or other appropriate materials, [illegible] of the trees' weight rests upon the [illegible]. Trunk straps may be used [illegible] on [illegible] the trees into position, [illegible] shall not be used to lift or hold 100% of the trees' weight.

1. During lifting process, any [illegible] shall be immediately [illegible] with the proper pruning tools so as to minimize [illegible].
2. After [illegible] trees shall not be [illegible] until reaching the final site of relocation.

B. Trees are to be set in [illegible] and properly braced in accordance with tree planting details shown on landscape plan.

Daily [illegible] at high volume [illegible] 25 gallons per tree, as per [illegible] for the first month after relocation. After that [illegible] shall be [illegible] times per week [illegible] at high rates, for at least 3 more months. After establishment, standard [illegible] practices shall be implemented.

NOTE: All new and relocated trees must meet FDOT standard specifications for road and bridge construction, section 580, and design standards index 54[illegible], [illegible]. Landscaping must comply with all aspects of Chapter 14-40 Florida Administrative Code.

[illegible] sizes shown for plant material on the plans are to be considered Minimum. All plant material must meet or exceed these minimum requirements for both height and spread. Any other requirements for spe[illegible] or e[illegible] as noted on the pl[illegible]s) will also be required for final acceptance.

All plant material shall be thoroughly watered in at the time of planting; no dry planting permitted. All plant material shall be planted such that the top of the plant ball is flush with the surrounding grade.

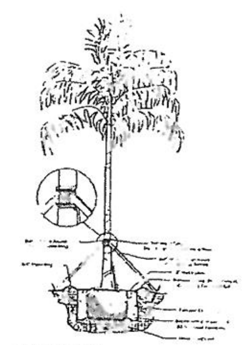
Contractors are responsible for coordinating with the owners and appropriate public agencies to assist in locating and verifying all underground utilities prior to excavation.

PLANT LIST

Code		Drought	QTY.	Botanical Name / Common Name	Specifications
TREES / PALMS					
[illegible]	(N)	[illegible]	[illegible]	Acacia farnesiana [illegible]	B&B [illegible] Grown, 12' Height, [illegible] Spread, 2" DBH, [illegible] Straight Leader. Minimum [illegible] clear trunk [illegible] above ground
C[illegible]	[illegible]	V	[illegible]	Conocarpus erectus 'Sericeus' / Silver Buttonwood	B&B Field Grown, 10'-12' Ht, 4-5' Spread, [illegible] DBH, S[illegible] Leader. Minimum clear [illegible] above ground
QV	[illegible]	V	2	Quercus virginiana / Live Oak	Existing Live Oak relocated from onsite, [illegible] clear above ground
SHRUBS/GROUNDCOVERS					
BSD		V	[illegible]	Bursera simaruba 'Dwarf' / Dwarf Red Bi[illegible]	3 [illegible] 20-24" OA, 24" On Center, [illegible] maintained [illegible]
[illegible]	[illegible]	V	19	[illegible] / Purple Cocoplum	7 Gallon, 3[illegible] 36" OA, Plant as Shown, allow for [illegible]
CHI	(N)	V	47	Chrysobalanus icaco 'Horizontal' / Horizontal Cocoplum	3 [illegible] 16" [illegible] Min. OA Height, 24" On Center, 30" [illegible]
C[illegible]D		V	299	[illegible]	3 Gallon, 20" [illegible] OA, 24" On Center, 24" [illegible]
[illegible]	(N)	V	[illegible]	Duranta erecta 'Gold Mound' / Gold Mound Duranta	3 Gallon, 20-24" Min. OA Height, 24" On Center, 36" max. [illegible]
FMG		V	433	Ficus microcarpa 'Green Island' / Green Island Ficus	3 Gallon, 16" [illegible] OA Height, 24" On Center, 24" max. [illegible]
SMD	[illegible]	V	48	Sabal minor / Dwarf Palmetto	[illegible] 24" [illegible] Min. OA Ht., 4' O.C., allow for [illegible]
MISCELLANEOUS					
[illegible]		V	sq. ft.	Paspalum notatum 'Argentine' / Argentine Bahia [illegible]	[illegible] between seams
[illegible]			as needed	[illegible] Topsoil	[illegible]

(N) Florida Native Plant [illegible]
M Medium Drought Tolerance
V Very Drought Tolerant
L Low Drought Tolerance

Small Tree Planting Detail



Palm Planting Detail

Plant List, Notes, and Details

[illegible]

[illegible] DEVELOPMENT, LLC

COCONUT CREEK, FLORIDA

ARCHITECTURAL ALLIANCE

Sheet Name: Plant List Notes & Details

Date: [illegible].13

Project Number: 1165

Drawing Number: LP-3

Sheet 3 Of 4