

SECTION: 86120000
COUNTY: BROWARD
STATE RD: 810
PERMIT: 2023-L-491-00002

**AMENDMENT NUMBER TWELVE (12) TO
FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT 4
INCLUSIVE LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT**

THIS AMENDMENT Number Twelve (12) to the Original Agreement dated May 27, 2009, made and entered into this _____ day of _____ 20__ by and between the **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**.

WITNESSETH

WHEREAS, the parties entered into the Landscape Inclusive Maintenance Memorandum of Agreement dated, May 27, 2009 ("Original Agreement") for the purpose of the AGENCY maintaining landscape improvements on various state roads within the AGENCY'S jurisdiction, including **State Road 810 (W. Hillsboro Boulevard)**; and,

WHEREAS, the DEPARTMENT and the AGENCY have agreed to add additional landscape on **State Road 810 (W. Hillsboro Boulevard)** in accordance with the Original Amendment; and,

WHEREAS, the parties hereto mutually recognize the need for entering into this Amendment, designating and setting forth the responsibilities of each party for the Additional Improvements; and,

WHEREAS, the AGENCY by Resolution No. _____ dated _____, 20__ attached hereto as **Exhibit "C"** and by this reference made a part hereof, desires to enter into this Amendment and authorizes 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. Pursuant to Page 7, Section 8 of the Original Agreement, the DEPARTMENT will allow an Adjacent Property Owner to construct additional landscape improvements or to modify an improvement located as indicated in **Exhibit "A"**, State Road 810 (Hillsboro Boulevard) from **M.P. 1.209** to **M.P. 1.254**.
2. The Additional Improvements, more fully described in the plans attached to this Amendment as **Exhibit "B"** and incorporated into the Original Agreement, will include the following non-standard items: groundcover, shrubs, irrigation, and curvilinear sidewalk. The Additional Improvements shall be installed in accordance with the aforementioned plans.

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3. The AGENCY agrees to maintain the Additional Improvements in accordance with Part I of Exhibit "C" Maintenance Plan for Landscape Improvements, of the Original Agreement, and in compliance with:

II. SPECIFIC PROJECT SITE MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS

1. Provide a landscape multipurpose walkway with sustainable trees, palms, shrubs, and ground cover.
2. Canopy Trees are intended to be maintained at mature height and spread. (Refer to Part I Pruning, for clear sight window and vertical clear zone pruning requirements.)
3. Remove suckering growth from base and clear trunk areas for single and multi-trunked trees on a quarterly basis.
4. To maintain the intended appearance of all palms, apply the latest palm fertilizer recommended by the University of Florida IFAS Extension per the manufacturer's specifications.
5. To maintain the intended appearance of all shrubs or turf grass, apply the latest fertilizer recommended by the University of Florida IFAS Extension per the manufacturer's specifications.
6. Do not remove fronds from self-cleaning palms, unless damaged. Palms with persistent fronds shall only have dead fronds removed, do not remove any green fronds. If it is deemed necessary to prune a palm's fronds, no fronds shall be trimmed above 3 o'clock and 9 o'clock on the horizontal plain.
7. Groundcover and shrub horizontal growth shall be maintained to prevent foliage from growing beyond the limits of the planting areas shown on the plan. Maintain an 8" – 12" setback from the foliage to the edge of curb, pavement, sidewalk and/or other hardscape improvements.
8. Maintain the vertical height of:
 - Ilex vomitoria between 16" and 18", full to ground
 - Cocoplum horizontalis between 18" and 20", full to ground
 - Ernodea littoralis between 16" and 18", full to ground
 - Serenoa repens between 3' and 4', full to ground
 - Hamelia patens between 18" and 20", full to ground
 - Muhlenbergia capillaris 24", full
 - Zamia floridana 24", full
9. Inspect groundcovers and shrubs on a monthly basis for maintaining full ground coverage.

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10. Evaluate plant material on a monthly basis for pests, diseases, drought stress or general decline. If required, follow the integrated pest management program established by the Agency to ensure healthy plants.
11. Inspect the irrigation system performance on a monthly basis to ensure the system is providing 100% coverage, does not have sections of low pressure, heads and valves are clean and clear of debris and any damaged irrigation components (i.e. spray nozzles, spray heads, valve boxes, etc.) are repaired or replaced.

LIST OF EXHIBITS FOR AMENDMENT #12:

Exhibit A - Landscape Improvements Maintenance Boundaries
Exhibit B - Landscape Improvement Plans
Exhibit C - Resolution

Except as modified by this Amendment, all terms and conditions of the Original Agreement and all Amendments thereto shall remain in full force and effect.

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

CITY OF COCONUT CREEK

By: _____
Sheila Rose, City Manager

Date: _____

Attest:

Joseph J. Kavanagh, City Clerk

(SEAL)

Legal Review:

Terrill C. Pyburn, City Attorney

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____
John P. Krane, P.E., (or designee)
Director of Transportation Development

Date: _____

Attest:

Alia Chanel, (or designee)
Executive Secretary

(SEAL)

Legal Review:

Pamela G. Eidelberg, (or designee)
Office of the General Counsel, District 4

Date: _____