

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 5<sup>th</sup> 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 5<sup>th</sup> day December year written and approved.

City of Coconut Creek  
a municipal corporation

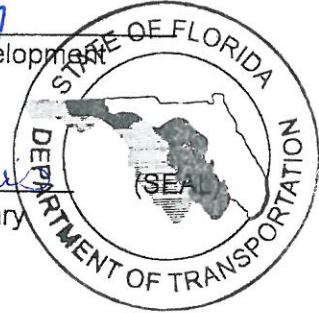
State of Florida  
Department of Transportation

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  
Date 11/25/13  
PAUL S. STUART

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

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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)

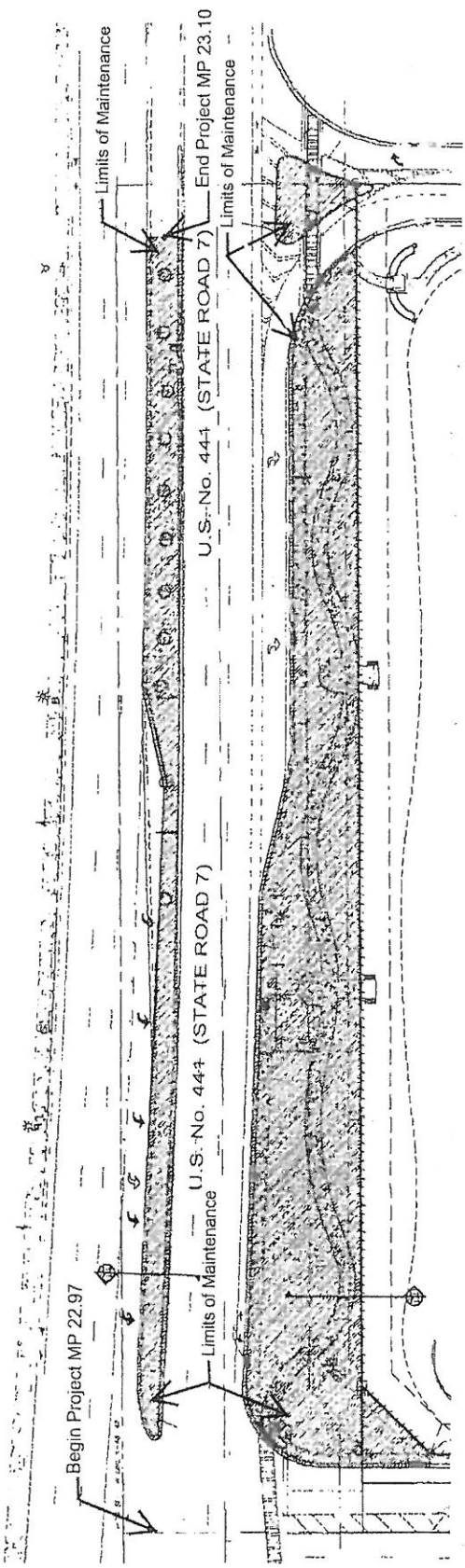
**II. INCLUSIVE LIMITS OF LANDSCAPE IMPROVEMENTS MAINTENANCE FOR  
State Road 7 (US 441):**

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*



SCALE: NOT TO SCALE



LIMITS OF MAINTENANCE BY THE CITY OF  
COCONUT CREEK

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**EXHIBIT B**

**LANDSCAPE IMPROVEMENT PLANS**

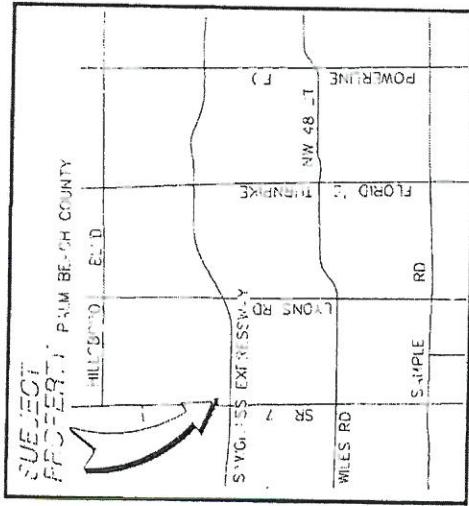
The Adjacent Property Permittee agrees to install the Project in accordance with the plans and specifications attached hereto and incorporated herein.

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" MI.

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.

Prepared by: [Name] - a duly licensed Professional Engineer in the State of Florida, License No. [Number].  
 Date: [Date]

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

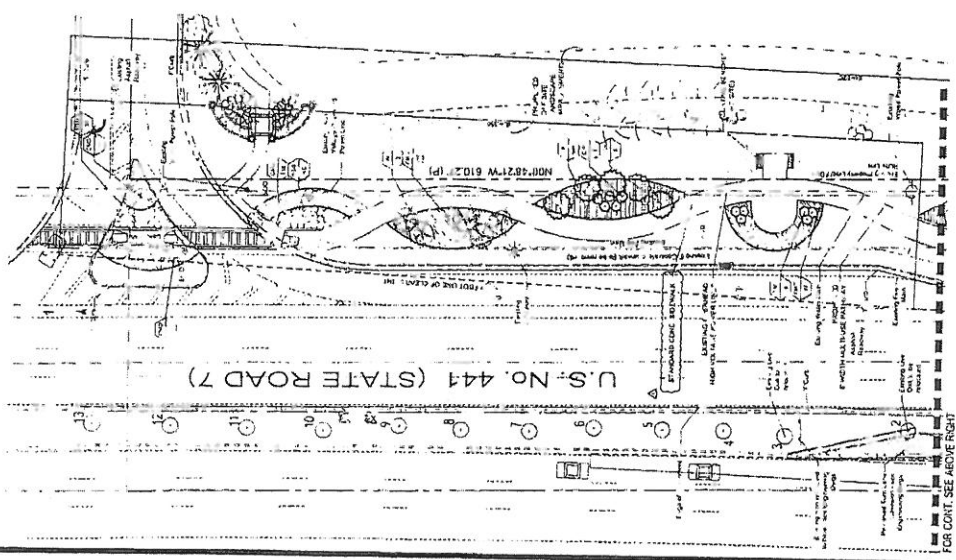
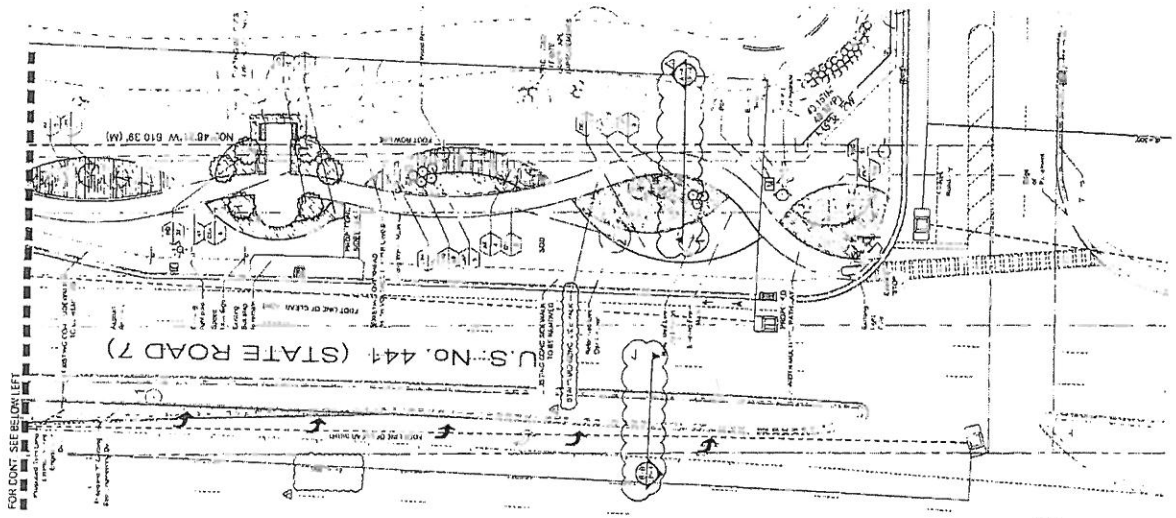
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

<p>ARCHITECTURAL ALLIANCE</p>	<p>FDOT Landscape Plan</p> <p>DESIGN: [Name]</p> <p>DATE: [Date]</p> <p>PROJECT: [Name]</p> <p>LOCATION: [Address]</p> <p>SCALE: [Scale]</p>	<p>FDOT Landscape Plan</p> <p>DESIGN: [Name]</p> <p>DATE: [Date]</p> <p>PROJECT: [Name]</p> <p>LOCATION: [Address]</p> <p>SCALE: [Scale]</p>	<p>ARCHITECTURAL ALLIANCE</p> <p>MEMBER ORGANIZATIONS:</p> <ul style="list-style-type: none"> <li>American Institute of Architects</li> <li>Florida Institute of Architects</li> <li>Florida Society of Professional Landscapers</li> <li>Florida Society of Professional Engineers</li> <li>Florida Society of Professional Surveyors</li> <li>Florida Society of Professional Engineers</li> <li>Florida Society of Professional Engineers</li> </ul>
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LP-1



<b>ARCHITECTURAL ALLIANCE</b> ARCHITECTS 1000 N. W. 10th Street Fort Lauderdale, FL 33304 Phone: (954) 561-1111 Fax: (954) 561-1112 Website: www.aalliance.com		<b>FOOT Landscape Plan</b> ZONING DEVELOPMENT 11 COUNTY OF BROWARD, FLORIDA	SHEET NO. 1101 OF 1101 DATE: 07/10/11 PROJECT: 1101	<b>LP-2</b> 05-11-2011
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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 #2010-04-01-0021

SCALE: 1" = 20'-0"

FOR CONT. SEE BELOW LEFT

FOR CONT. SEE ABOVE RIGHT



