



SUSTAINABLE DEVELOPMENT – URBAN DESIGN & PLANNING

INSTRUCTIONS FOR MAINTENANCE DECLARATION FOR R.O.W.

Rev: 2 | Revision Date: 10/10/2017 | Print Date: 10/10/2017

I.D. Number: IFMFROWI

Instructions for Maintenance Declaration for Right-of-Way Improvements

These instructions are to assist applicants when a Maintenance Declaration for Improvements in the Right-of-Way are to be conveyed to the City. Typically these conveyances are required as a condition of site plan approval, and executed prior to issuance of a Certificate of Occupancy. Please use the City's sample Maintenance Declaration Word document. Please use MSWord's **document change tracking feature** when making any changes to the City's sample Maintenance Declaration document; City staff needs to see the changes in either red strikethrough (deletions) and/or redline words (additions). This will allow for a quicker review by the City's staff resulting in timely issuance of Certificate of Occupancy.

Following is a list of the required documentation.

1. Declaration Regarding Maintenance Obligation document: Please contact the City of Fort Lauderdale's Engineering Department's Administrative Assistant, Judy Johnson, at 954-828-6159 or jjohnson@fortlauderdale.gov for the City's sample Maintenance Declaration document. The conveyance document shall be prepared by owner's legal counsel. The company name and the name of the signatory shall be exactly as they appear in the State Division of Corporations.

- If the owner is a Corporation, the President or Vice President of the company must sign the document; and if a Florida Corporation, the signee must be on file with the State Division of Corporations as the holder of that office.
- If the owner is an LLC, the document must be signed by the managing member; however, if the managing member is an LLC or Corporation, the person signing must either be the president, vice president, managing member, etc. until the person signing is signing as either the President or Vice President of a corporation or a managing member or a general partner.
- If the owner is a Limited Partnership, the document must be signed by the General Partner as confirmed by a Certificate of Limited Partnership submitted by the owner.
- Alternatively, if the names of the people on the documents cannot be verified along with their titles by review of Florida Corporate Records, then the Owner shall be required to submit a certified resolution of minutes letter from a board meeting of the Corporation/ LLC LP that contains language authorizing the individual who has signed the document as having authority to sign such document.
- Additional documentation may be required if owner is not a Florida corporation.

2. Exhibits A, B and C: Declaration shall reference applicable Exhibits.

- **Exhibit A – Property Survey and/or Legal Description:** Shall be prepared and certified by a Professional Land Surveyor; and labeled as "Exhibit A". Drawings shall also be prepared with the professional surveyor's title block on legal size paper (8.5 in. X 14 in.)
- **Exhibit B – Improvement Area Sketch & Legal Description:** Sketch of Improvement Area to be covered by Maintenance Declaration and Area shall be called out as such. Legal Description of this Area shall accompany the Sketch. Shall be prepared and certified by a Professional Land



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Surveyor; and labeled as “Exhibit B”. Drawings shall also be prepared with the professional surveyor’s title block on letter size paper (8.5 in. X 11 in.)

Instructions for Maintenance Declaration for Right-of-Way Improvements (continued)

- **Exhibit C – Improvement Plan:** Plan sheets of Improvements installed in the R/W, as previously approved by the City. The improvements covered by the Maintenance Declaration, Section 2, shall be clearly called out and detailed, including type of improvement, specifications, materials, name of trees, etc. Call-outs on Exhibit need to be consistent with language in Maintenance Declaration; for example, if the Maintenance Declaration document states *landscape improvements* in right of way, be sure to label as *landscape improvements* on Exhibit. All improvements stated in the Maintenance Declaration document need to be clearly distinguished from other improvements in the vicinity on the Exhibit. This exhibit is to be labeled as “Exhibit C”.

Please submit the above-listed materials at least **six weeks prior to requiring final certification of occupancy.** The documents may be sent to via e-mail to Judy Johnson at jjohnson@fortlauderdale.gov in “pdf” or “tiff” format. The documents need not be executed at this stage; however, the exact names of the organizations, names and titles of the signatories need to be printed on the forms.

Please keep in mind that if corrections/updates are requested, the six week timeframe commences from the time the correction is made. Please be sure to submit your corrections to the Engineering Department's Administrative Assistant; Judy Johnson at jjohnson@fortlauderdale.gov. You may also send them by mail or deliver them in person. Do not send your corrections to any City staff outside of the Engineering Department.

After approval and execution by the assistant city attorney, applicant will be notified that the documents are ready for pickup. The applicant will then record the documents at the Broward County Records Department and return in pdf/tiff format via e-mail to the Engineering Department's Administrative Assistant; Judy Johnson at jjohnson@fortlauderdale.gov. Please address any questions to Judy Johnson @ 954-828-6159.