

RESOLUTION NO. 26-79

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE EXECUTION OF A FIFTY (50)- YEAR USE AND OCCUPANCY AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE MAINTENANCE, REPAIR AND OPERATION OF THE D-34 SANITARY SEWER PUMP STATION LOCATED IN THE RIGHT-OF-WAY OF STATE ROAD A1A AND 17TH STREET; AUTHORIZING THE CITY MANAGER TO EXECUTE THE USE AND OCCUPANCY AGREEMENT, AND ALL OTHER DOCUMENTS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the need for this Use and Occupancy Agreement ("UOA") was identified during permitting for the installation of a backup generator, at which time it was determined that the area required for the improvements extends into the FDOT right-of-way; and

WHEREAS, a portion of adjacent property was previously conveyed to the City, the area required for the operation and installation of improvements, including the backup generator, extends into Florida Department of Transportation (FDOT) owned property; and

WHEREAS, The pump station has been located at this site for approximately forty (40) to fifty (50)-years without a formal agreement. A formal UOA is required. City staff subsequently coordinated with FDOT, and FDOT has agreed to lease the necessary property to the City at no cost; and

WHEREAS, the UOA provides an initial term of fifty (50)-years, with one (1) optional ten (10)-year renewal period. The City is responsible for all costs associated with the installation, operation, maintenance, permitting, and insurance of the facility. The City must also comply with all applicable regulatory requirements and obtain necessary approvals from FDOT, Florida Department of Environmental Protection, Broward County, and the City when necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the recitals set forth above are hereby incorporated in this Resolution.

SECTION 2. That the City Commission of the City of Fort Lauderdale hereby authorizes the City Manager's execution of a Use and Occupancy Agreement between the City and FDOT in a substantially similar form as exhibited, and all other documents necessary and incidental thereto.

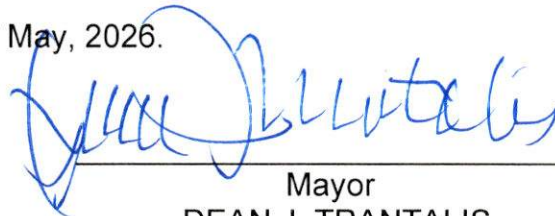
SECTION 3. That the office of the City Attorney shall review and approve as to form all documents prior to their execution by the City Manager.

SECTION 4. That if any clause, section or other part of this Resolution shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Resolution shall not be affected thereby but shall remain in full force and effect.

SECTION 5. That all resolutions or part(s) of resolutions in conflict herewith are hereby repealed to the extent of such conflict.


SECTION 6. That this Resolution shall be in full force and effect upon final adoption.

ADOPTED this 5th day of May, 2026.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

Dean J. Trantalis Yea

John C. Herbst Yea

APPROVED AS TO FORM
AND CORRECTNESS:

Steven Glassman Yea

Pamela Beasley-Pittman Yea



City Attorney
SHARI L. McCARTNEY

Ben Sorensen Yea