

RESOLUTION NO. 17-108

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE EXECUTION OF A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF NONSTANDARD IMPROVEMENTS INSTALLED WITHIN THE RIGHT-OF-WAY ON FEDERAL HIGHWAY BETWEEN NORTHEAST 5TH STREET AND NORTHEAST 6TH STREET, AUTHORIZING THE EXECUTION OF AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH T-C THE MANOR AT FLAGLER VILLAGE, LLC, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 22, 2014, the Fort Lauderdale Community Redevelopment Agency's Board of Directors (the "CRA Board") approved a funding request for a streetscape enhancement grant with RD Flagler Village, LLC, the previous developer of The Manor at Flagler Village ("the Prior Developer"); and

WHEREAS, on August 19, 2014, the CRA Board authorized the execution of a development agreement for a Streetscape Enhancement Grant with the Prior Developer; and

WHEREAS, during construction of The Manor at Flagler Village, the contractor removed pavers previously installed by the CRA at the corner of Federal Highway/NE 6th Street (the "CRA pavers") and replaced them with concrete; and

WHEREAS, neighborhood representatives questioned the removal of the CRA pavers and sought their reinstallation; and

WHEREAS, because Federal Highway is a Florida Department of Transportation ("FDOT") right-of-way, authorization for this work must be permitted by FDOT; and

WHEREAS, Related Development, which company was affiliated with and controlled the Prior Developer, agreed to pursue the permitting through FDOT and posted a bond for the estimated cost of the improvements in the amount of \$71,205.00 so that certificates of occupancy could be issued during the FDOT permitting process; and

WHEREAS, in December 2015, due to the amount of time FDOT took to review the plans, the scope of the project was changed to delete the permit request for the reinstallation of the CRA pavers and to limit the permit application to solely after-the-fact items reflecting the "as built" conditions such as the stamped asphalt and the landscaping; and

WHEREAS, Related Development has offered to pay the City of Fort Lauderdale ("City") the amount of \$71,205.00, to cover the estimated cost of all the contemplated improvements, including the reinstallation of the CRA pavers; and

WHEREAS, the landscaping and the stamped asphalt are non-standard improvements that FDOT will not maintain; and

WHEREAS, FDOT requires municipalities to enter into a Maintenance Memorandum of Agreement for the maintenance of non-standard improvements; and

WHEREAS, the City and FDOT wish to execute a Maintenance Memorandum of Agreement to keep the as-built conditions in place; and

WHEREAS, the City and the current owner of the property – T-C The Manor at Flagler Village LLC ("T-C") - have agreed to enter into an Assumption of Liability and Hold Harmless Agreement wherein T-C agrees to assume and hold the City harmless from any obligations under the proposed Maintenance Memorandum of Agreement pertaining to any non-standard improvements installed in the right-of-way by T-C and/or the Prior Developer;

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

SECTION 1. The execution of a Maintenance Memorandum of Agreement between the City of Fort Lauderdale, Florida (the "City") and the Florida Department of Transportation for the maintenance of the non-standard improvements installed within the right-of-way on Federal Highway between NE 5th Street and NE 6th Street is hereby authorized.

SECTION 2. The execution of an Assumption of Liability and Hold Harmless Agreement between the City and T-C The Manor at Flagler Village LLC ("T-C") wherein T-C agrees to assume and hold the City harmless from any obligations under the Maintenance Memorandum of Agreement pertaining to any non-standard improvements installed in the right-of-way by T-C and/or the Prior Developer is hereby authorized.

SECTION 3. The Office of the City Attorney shall review and approve as to form all documents prior to their execution by City officials.

SECTION 4. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 16th day of May, 2017.



Mayor

JOHN P. "JACK" SEILER

ATTEST:



City Clerk

JEFFREY A. MODARELLI