

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER TWENTY (20) TO FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT FOUR (4) LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT FOR STATE ROAD A1A WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND APPROVING AND AUTHORIZING THE EXECUTION OF AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF FORT LAUDERDALE AND PUBLIX SUPER MARKETS, INC.; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City of Fort Lauderdale, Florida ("City") and the Florida Department of Transportation ("FDOT") entered into a District Four (4) Maintenance Memorandum of Agreement Inclusive Agreement for SR A1A ("MMOA") dated, January 31, 2008, for the purpose of the City maintaining certain landscape and hardscape improvements on State Road A1A (N. Fort Lauderdale Beach Blvd.); and

WHEREAS, thereafter, the MMOA was amended nineteen (19) times; and

WHEREAS, Publix Super Markets, Inc. wishes to add landscape improvements to a section of State Road A1A which is an FDOT right-of-way; and

WHEREAS, in order to permit the installation of the landscape improvements on A1A, FDOT requires that the City to enter into an agreement with FDOT entitled "Amendment Number Twenty (20) to Florida Department of Transportation District Four (4) Landscape Inclusive Maintenance Memorandum of Agreement for State Road A1A" ("Amendment No. 20"); and

WHEREAS, Amendment No. 20 incorporates all applicable provisions of the MMOA and its amendments thereto; and

WHEREAS, Amendment No. 20 includes a description of the area where the landscape improvements will be added, among other things; and

WHEREAS, Amendment No. 20 requires that the City agree to certain liabilities, obligations, and responsibilities for improvements and maintenance, among other things for the location described in Amendment No. 20; and

WHEREAS, as a condition to precedent to the City executing Amendment No. 20, Publix Super Markets, Inc. has agreed to assume the liabilities, obligations, and responsibilities that FDOT requires of the City in Amendment No. 20; and

WHEREAS, City staff recommends that the City Commission approve the Assumption of Liability and Hold Harmless Agreement between the City of Fort Lauderdale and Publix Super Markets, Inc., which includes provisions regarding the liabilities, obligations, and responsibilities for the area described in Amendment No. 20; and

WHEREAS, City staff also recommends the approval of Amendment No. 20; and

WHEREAS, the City Commission finds that the approval of Amendment No. 20 and the approval of the Assumption of Liability and Hold Harmless Agreement is in the best interest of the City of Fort Lauderdale.

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

SECTION 1. That the City Commission of the City of Fort Lauderdale, Florida, hereby approves and authorizes the execution of Amendment Number Twenty (20) to the Florida Department of Transportation, District Four (4) Landscape Inclusive Maintenance Memorandum of Agreement for State Road A1A for Section 86050000 and permit number 2022-L-491-00010.

SECTION 2. The Assumption of Liability and Hold Harmless Agreement between the City of Fort Lauderdale and Publix Super Markets, Inc., is hereby approved and the execution of this Agreement is authorized.

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

SECTION 4. That all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. 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 6. That this Resolution shall be in full force and effect upon its adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
DAVID R. SOLOMAN

APPROVED AS TO FORM  
AND CORRECTNESS:

\_\_\_\_\_  
City Attorney  
THOMAS J. ANSBRO

Dean J. Trantalis \_\_\_\_\_

John C. Herbst \_\_\_\_\_

Steven Glassman \_\_\_\_\_

Pamela Beasley-Pittman \_\_\_\_\_

Warren Sturman \_\_\_\_\_