

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LANDSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY ON US 1 BETWEEN N.E. 2ND STREET AND N.E. 3RD STREET; AUTHORIZING THE EXECUTION OF AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH 299 N FEDERAL MASTER, LLC; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 1, 2015, the Development Review Committee initially approved the Tribute and Element Hotel development project under case R14062 as the Aloft/Element Hotel; and

WHEREAS, subsequent to the approval the property was sold and the new owner made modifications to the approved site plan and intends to install landscape and hardscape improvements in the right-of-way; and

WHEREAS, a new DRC application was approved on September 8, 2015 under DRC Case R15047 known as the Tribute/Element Hotel; and

WHEREAS, Florida Department of Transportation (FDOT) requires execution of a Landscape Maintenance Memorandum of Agreement ("MMOA") before commencement of the improvements on their right-of-way; and

WHEREAS, the City and 299 N. Federal Master, LLC have agreed to enter into an Assumption of Liability and Hold Harmless Agreement wherein 299 N. Federal Master, LLC agrees to assume and hold the City harmless from any obligations under the proposed Landscape Maintenance Memorandum of Agreement pertaining to any improvements installed in the right-of-way by 299 N. Federal Master, LLC.

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

SECTION 1. That the City Commission approves the Landscape Maintenance Memorandum of Agreement and the Assumption of Liability and Hold Harmless Agreement, and

authorizes execution of same.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida hereby delegates authority to the City Manager to execute the Landscape Maintenance Memorandum of Agreement between the City and the State of Florida Department of Transportation (FDOT) for the landscape improvements, the Assumption of Liability and Hold Harmless Agreement between the City and 299 N Federal Master, LLC and any and all documents necessary and incidental to the administration of the Landscape Maintenance Memorandum of Agreement.

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 this Resolution shall be in full force and effect upon final passage

ADOPTED this the _____ day of _____, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI