

RESOLUTION NO. 15-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING EXECUTION OF A CONSENT TO ASSIGNMENT AND ASSUMPTION OF AGREEMENT FOR A1A PEDESTRIAN BRIDGE AND TO APPROVE ASSIGNMENT OF FLORIDA DEPARTMENT OF TRANSPORTATION PERMITS, SUBJECT TO CONDITIONS

WHEREAS, on or around July 30, 1993, the City of Fort Lauderdale (the "City") entered into an Agreement between the City and Gill Hotels Company for the construction of a pedestrian bridge over A1A;

Whereas, pursuant to paragraph 20 of the Agreement, the City executed a Consent to Assignment and Assumption Agreement on July 18, 2005 in which the Agreement was assigned to A1A Trader L.L.C., a Delaware limited liability company;

Whereas, on July 8, 1993, the City, along with Gill Hotels Company, filed a joint permit application with the Florida Department of Transportation to construct a pedestrian footbridge over A1A;

Whereas, on September 15, 2005, the City, along with A1A Trader L.L.C., filed a joint General Use Permit Application with the Florida Department of Transportation;

Whereas, the bridge extends from the hotel formerly known as Sheraton Yankee Trader Beach Resort (now known as Westin Fort Lauderdale Beach Resort & Spa) to the beach;

Whereas, the new owner, DiamondRock FL Owner, LLC, has requested that the City consent to the Assignment and Assumption of the Agreement for A1A Pedestrian Bridge and Permits associated therewith;

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

SECTION 1. That the City Commission hereby authority the proper City Officials to execute the Consent to Assignment and Assumption of Agreement for A1A Pedestrian Bridge, subject to compliance with the following conditions: (1) consent to Assignment and Assumption by Florida Department of Transportation (“FDOT”); (2) Execution by DiamondRock FL Owner, LLC of a Memorandum of Agreement in form and substance acceptable to FDOT; (3) Issuance of an Irrevocable Letter of Credit in favor of FDOT; Proof of Insurance in favor of FDOT; and (4) such other conditions as required by the City Attorney.

SECTION 2. That all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed.

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

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

ADOPTED this the ____ day of _____, 2015.

Mayor
JOHN P. “JACK” SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH