

RESOLUTION NO. 24-76

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT FOUR LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOR INSTALLATION AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF STATE ROAD 5 (U.S. 1/FEDERAL HIGHWAY), AND AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH PAWACQCO HOLDINGS 5, LLC AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, Florida ("City") wishes to enter into a Landscape Maintenance Memorandum of Agreement ("MMOA") with the Florida Department of Transportation ("FDOT") for the installation and maintenance of landscape improvements within the right-of-way on State Road 5 (U.S. 1/Federal Highway); and

WHEREAS, the landscape improvements will be installed in accordance with the plans and specifications of the MMOA; and

WHEREAS, because State Road 5 is an FDOT right-of-way, authorization for this work must be permitted by FDOT; and

WHEREAS, FDOT requires municipalities to enter into a Landscape Maintenance Memorandum of Agreement for the maintenance of landscape improvements; and

WHEREAS, the City and the current owner of the property, PAWACQCO HOLDINGS 5, LLC, have agreed to enter into an Assumption of Liability and Hold Harmless Agreement, which passes the maintenance responsibility and costs associated with the MMOA to PAWACQCO HOLDINGS 5, LLC, and wherein PAWACQCO HOLDINGS 5, LLC agrees to assume and hold the City harmless from any obligations under the proposed MMOA pertaining to any improvements installed in the right-of-way by PAWACQCO HOLDINGS 5, LLC;

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 the State of Florida Department of Transportation

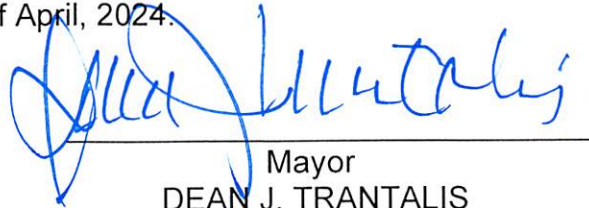
District Four Landscape Maintenance Memorandum of Agreement for the installation and maintenance of landscape improvements within the right-of-way on State Road 5 (U.S. 1/Federal Highway).

SECTION 2. That the Assumption of Liability and Hold Harmless Agreement between the City and PAWACQCO HOLDINGS 5, LLC is hereby approved, and the City Commission of the City of Fort Lauderdale, Florida, authorizes execution of the Assumption of Liability and Hold Harmless 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 or their designee.

SECTION 4. That this Resolution shall be in full force and effect upon its adoption.

ADOPTED this 16<sup>th</sup> day of April, 2024.

  
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Mayor  
DEAN J. TRANTALIS

ATTEST:

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

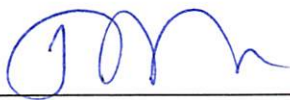
Dean J. Trantalis      Yea

John C. Herbst      Yea

APPROVED AS TO FORM:  
AND CORRECTNESS:

Steven Glassman      Yea

Pamela Beasley-Pittman      Yea

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

Warren Sturman      Yea