# AMENDMENT NUMBER SEVEN (7) TO FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT FOUR (4) LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT FOR SUNRISE BOULEVARD (SR-838)

THIS AMENDMENT Number Seven (7) to the Agreement dated December 12, 2007, was made and entered into this <u>3rd</u> day of <u>December</u> 20<u>24</u> by and between the **FLORIDA DEPARTMENT OF TRANSPORTATION**, a component agency of the State of Florida, hereinafter called the **DEPARTMENT**, and the **CITY OF FORT LAUDERDALE**, a municipal subdivision of the State of Florida, hereinafter called the **AGENCY**.

# WITNESSETH

WHEREAS, the parties entered into the Landscape Inclusive Maintenance Memorandum of Agreement dated December 12, 2007 (Original Agreement) for the purpose of the AGENCY maintaining landscape and hardscape improvements on **State Road 838** (Sunrise Boulevard); and,

WHEREAS, the DEPARTMENT and the AGENCY agree to amend the Original Agreement for the purpose of adding additional landscape improvements ("Additional Improvements") to be installed by permit on **State Road 838 (Sunrise Boulevard)** in accordance with the above referenced Original Agreement; and,

**WHEREAS**, the parties hereto mutually recognize the need for entering into an Amendment designating and setting forth the responsibilities of each party, and

WHEREAS, the AGENCY by Resolution No. <u>24-206</u> dated <u>October 15, 2024</u>, attached hereto as **Exhibit C** and by this reference made a part hereof, desires to enter into this Agreement and authorized its officers to do so.

**NOW THEREFORE**, for and in consideration of mutual benefits that flow each to the other, the parties covenant and agree as follows:

- 1. The parties herein agree to modify the Original Agreement accordingly:
  - A. The following sentence is added to the end of the first paragraph of Section 3:

The AGENCY shall be responsible for all maintenance and repairs to FDOT sidewalks directly attributable to tree roots or other AGENCY maintained improvements.

B. The following section is hereby added:

# DEPARTMENT ACCESS TO FACILITIES

The DEPARTMENT will periodically need access to various features within the limits of this Agreement. Upon request of the DEPARTMENT, the AGENCY will have 14 calendar days to provide access to the items noted by the DEPARTMENT. This may require temporary or permanent removal of improvements such as hardscape, landscape or other items conflicting with the items to which the DEPARTMENT needs access.

Should the AGENCY fail to remove or relocate items as requested, the DEPARTMENT may:

- (a) Remove conflicting improvements or any portion thereof.
- (b) Restore the area with any material meeting DEPARTMENT standards.
- (c) Restore the improvements at the request and funding of the AGENCY.
- 2. Pursuant to page 7, section 12 of the Original Agreement, the AGENCY may construct additional landscape improvements on State Road 838 (Sunrise Boulevard), located as indicated in **Exhibit "A"**, in accordance with the plans attached as **Exhibit "B"**.
- 3. The AGENCY agrees to maintain the Additional Improvements at no cost to the DEPARTMENT. Maintenance by the AGENCY will include repair, restoration, and general maintenance in accordance with Part I of Exhibit "F" Maintenance Plan for Landscape Improvements, of the Original Agreement, and in compliance with the following provisions:

## **II. Specific Project Site Maintenance Requirements and Recommendations:**

The ornamental aluminum fence will be installed within the roadway median along SR 838/E Sunrise Blvd, stretching from the intersection with SR 5/US-1/N Federal Hwy to the intersection with NE 20th Ave.

The fence will be 36 inches in height, with segments measuring 72 inches in length. Each segment is composed of two top and one bottom aluminum channels  $(1.5" \times 1.5")$ , two end columns, and  $1" \times 1"$  vertical pickets spaced 3.875 inches on center. The foundation for the columns consists of 10-inch diameter by 24-inch-deep concrete footings. The installation also includes two single-opening aluminum gates with flat tops, designed in the Ascot style, featuring self-closing hinges and lockable gravity latches.

Maintenance of the fence and gates will include applying paint as needed when peeling occurs, replacing entire 72-inch segments if sections are partially damaged, and replacing gates, hinges, or lockable latches when necessary. Additionally, maintenance also includes replacement or welding of individual aluminum pickets or channels.

4. Nothing herein shall constitute a waiver of sovereign immunity by the AGENCY.

Except as modified by this Amendment, all terms and conditions of the Original Agreement and all Amendments thereto shall remain in full force and effect.

### LIST OF EXHIBITS

Exhibit A - Landscape Maintenance Limits Exhibit B - Landscape Improvement Plans Exhibit C - Resolution

In Witness whereof, the parties hereto have executed with this Amendment effective the <sup>3rd</sup> dayDecember 2024 year written and approved.

STATE OF FLORIDA **CITY OF FORT LAUDERDALE DEPARTMENT OF TRANSPORTATION** DocuSigned by: John Krane Bv: By: John Krane, P.E. J. Trantalis, Mayor Transportation Development Director 12/03/2024 | 9:02 PM EST 18 day of November , 2024 Date: DocuSigned by: Via E. Chavel By: Attest: E14549BD681D471.. Acting City Manager Executive Secretary 12th day of November 2024 Legal Review: Attest: DocuSigned by: Francine Steelman Bv 43DE60BB3D3BF464... Office of the General Counsel David R. Soloman, City Cle Date: \_\_\_\_ Approved as to form by Office of City Attorney

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Accistant City Attorney

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# **EXHIBIT A**

# LANDSCAPE MAINTENANCE LIMITS

# I. INCLUSIVE LANDSCAPE MAINTENANCE AGREEMENT LIMITS FOR SR 838, AS PREVIOUSLY AMENDED:

Section 86110000 State Road 838 (Sunrise Boulevard) M.P. 5.789 (east of N.W. 24<sup>th</sup> Avenue) to M.P. 8.161 (State Road 5/US 1) Entire right of way

Section 86020000 State Road 838 (Sunrise Boulevard) / State Road 5 (US 1/Federal Highway) M.P. 1.033 (State Road 838/Sunrise Boulevard) to M.P. 1.911 (N.E. 18<sup>th</sup> Avenue) Entire right of way

Section 86005000 State Road 838 (Sunrise Boulevard) M.P. 0.000 (N.E. 18<sup>th</sup> Avenue) to M.P. 1.191 (State Road A1A) Entire right of way

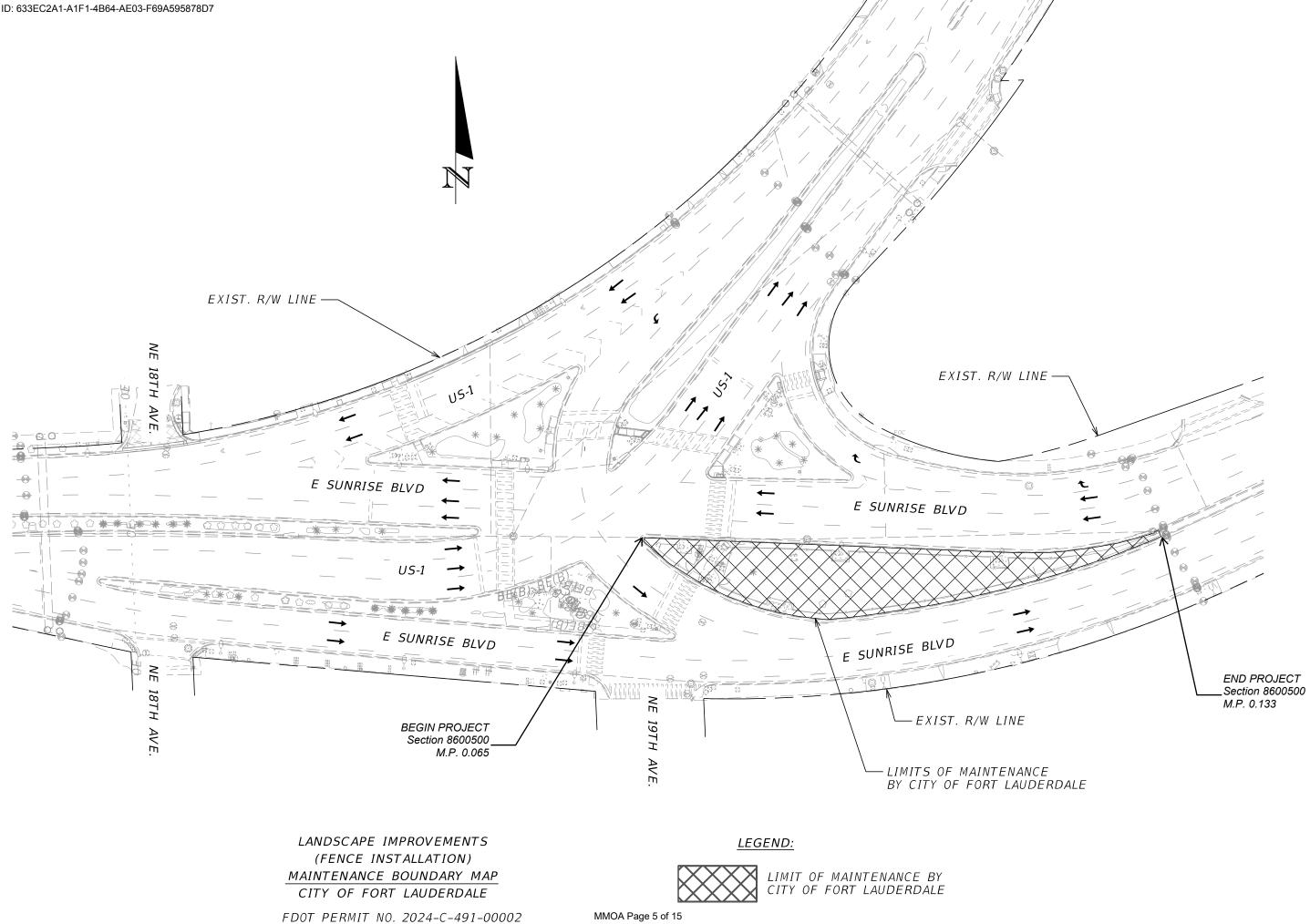
### II. LANDSCAPE MAINTENANCE LIMITS FOR AMENDMENT #7\*:

Section 8600500 State Road 838 (Sunrise Boulevard) Median east of SR 5 (N. Federal Hwy) from M.P. 0.065 to M.P. 0.133

# III. LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARY MAP\*:

Please See Attached

## \*All limits of the Original Agreement and Amendments shall apply



# EXHIBIT B

# LANDSCAPE IMPROVEMENT PLANS

The AGENCY agrees to install the landscape improvements in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: Marlin Engineering

Armando J. Aguiar, PE

Date: May 22, 2024

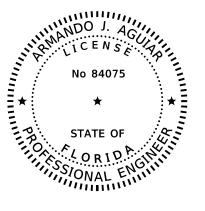
DRAWING INDEX				
1	COVER SHEET			
2-3	GENERAL NOTES			
4	FENCING AND SWING GATE PLAN			
5	FENCING AND SWING GATE DETAIL			
6	TEMPORARY TRAFFIC CONTROL PLAN			
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# **CITY OF FORT LAUDERDALE**

# SUNRISE BLVD AND US 1 MEDIAN FENCING AND SWING GATE

# FORT LAUDERDALE, FLORIDA



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY:

ON THE DATE ADJACENT TO THE SEAL

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED. THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

MARLIN ENGINEERING, INC. 3363 WEST COMMERCIAL BLVD, SUITE 115 FORT LAUDERDADLE, FL 33009 ARMANDO J. AGUIAR, P.E. NO. 84075

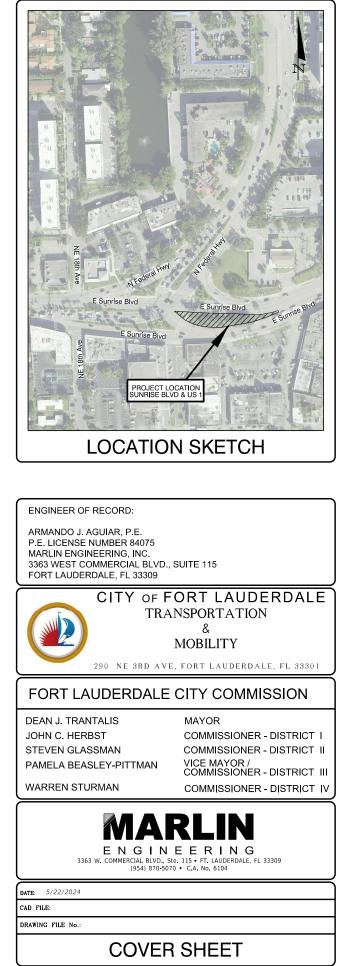
GOVERNING STANDARD SPECIFICATIONS: Florida Building Code 8th Edition (2023) FBC

GOVERNING STANDARD PLANS:

Florida Department of Transportation, FY2023-24 Standard Plans for Road and Bridge Construction and applicable Interim Revisions (IRs).

Standard Plans for Road Construction and associated IRs are available at the following website: http://www.fdot.gov/design/standardplans

THE ABOVE NAMED PROFESSIONAL ENGINEER SHALL BE RESPONSIBLE FOR THE FOLLOWING SHEETS IN ACCORDANCE WITH RULE 61G15-23.004, F.A.C.



### GENERAL NOTES

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- 1. THE INFORMATION PROVIDED IN THESE DRAWINGS IS SOLELY TO ASSIST THE CONTRACTOR IN ASSESSING THE NATURE AND EXTENT OF CONDITIONS WHICH WILL BE ENCOUNTERED DURING THE COURSE OF THE WORK. THE CONTRACTORS ARE DIRECTED, PRIOR TO BIDDING, TO CONDUCT ALL INVESTIGATIONS DEEMED NECESSARY TO ARRIVE AT THEIR OWN CONCLUSION REGARDING THE ACTUAL CONDITIONS THAT WILL BE ENCOUNTERED, AND UPON WHICH BIDS WILL BE BASED.
- 2. THE CONTRACTOR SHALL NOTIFY THE CITY IN WRITING AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- A. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM 3. ц. TO ALL LATEST APPLICABLE STANDARDS AS LISTED IN THE KEY SHEET. AND SPECIFICATIONS PROVIDED BY THE 004, CITY DURING THE BID PROCESS.
- 23 4 THE CONTRACTOR SHALL BE RESPONSIBLE TO SATISFY Ś ALL REQUIREMENTS OF ANY REGULATORY AGENCY 61G1 PERMITS IN REGARDS TO CONSTRUCTION ACTIVITIES AND RELATED CONDITIONS PRIOR TO THE START OF ш CONSTRUCTION. RUL
- THE CONTRACTOR SHALL MAINTAIN ACCESS TO 5. UNDER ALL ADJACENT PROPERTIES AT ALL TIMES UNLESS OTHERWISE APPROVED BY THE CITY.
- ED 6. THE CONTRACTOR SHALL DISPOSE OF ALL SEAL EXCESS EXCAVATED MATERIAL AND DEBRIS TO AN APPROVED SITE IN A LEGAL MANNER AT NO AND ADDITIONAL COST TO THE CITY. STOCKPILING OF MATERIAL IN ROADWAY IS NOT ALLOWED.
- GNED THE CONTRACTOR SHALL ENGAGE A FLORIDA REGISTERED LAND SURVEYOR TO PREPARE AND SI CERTIFY THE AS-BUILT RECORDS OF ALL Ľ IMPROVEMENTS. AL
- DIGIT 8. THE INFORMATION PROVIDED ON THE PLANS IS BASED ON THE BEST AVAILABLE INFORMATION, AND SHOULD BE CONSIDERED APPROXIMATE. CONTRACTOR SHALL BE FILE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH CURRENT SITE CONDITIONS, AND SHALL REPORT RONIC DISCREPANCIES TO THE ENGINEER PRIOR TO STARTING WORK.
- ECT CONTRACTOR WILL SECURE WORK SITE TO PROTECT ΕL THE PUBLIC HEALTH AND WELFARE.
- HΕ 10 CONTRACTOR TO REPAIR ALL DAMAGES INCURRED AS A RESULT OF CONSTRUCTION ACTIVITIES SUCH AS BUT I S NOT LIMITED TO PAVEMENT, LANDSCAPING, FENCING, ETC. NO ADDITIONAL COMPENSATION WILL BE GIVEN.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A PROPER STAGING AREA.
- 12. THE CITY OF FORT LAUDERDALE UTILITY DEPARTMENT REQUIRES THAT ACCESS TO ALL WATER AND SEWER VALVES, SANITARY MANHOLES, AND OTHER CONTROL MECHANISMS BE MANINTANED THROUGHOUT CONSTRUCTION IN THE EVENT OF AN EMERGENCY TO ENSURE THE PUBLIC HEALTH AND SAFETY. AL COVERING VALVES BOXES AND MANHOLES CAN BE ICI CONSIDERED UNAUTHORIZED OBSTRUCTION OF AND TEMPERING WITH DEPARTMENT UTILITIES. ALL REQUESTS FOR UTILITY ADJUSTAMENTS MUST BE MADE ΗE IN WRITING AT LEAST TWO (2) WEEKS IN ADVANCE.

- 13. THE CONTRACTOR WILL SECURE AND PAY FOR ALL PERMITS FOR THE WORK NECESSARY TO COMPLETE THIS PROJECT.
- 14. ALL MATERIALS, CONSTRUCTION, WORKMANSHIP, AND TESTING SHALL COMPLY WITH THE CITY'S SPECIFICATIONS, PROVIDED WITH THE BID DOCUMENTS. AND WHEN NOT ON THE CITY'S SPECIFICATIONS THEN AS PER THE LATEST EDITION OF FLORIDA BUILDING CODE AND DEPARTMENT OF TRANSPORTATION STANDARDS FOR DESIGN AND CONSTRUCTION" APPLICABLE TO PUBLIC RIGHTS-OF-WAY.
- 15. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IN WRITING IMMEDIATELY OF ANY CONFLICT ARISING DURING CONSTRUCTION FOR ANY IMPROVEMENTS SHOWN ON THESE DRAWINGS.
- 16. THE CONTRACTOR IS REQUIRED TO RESTORE ALL SODDED AND LANDSCAPE AREAS OF THE PROJECT WHICH ARE DISTURBED DUE TO CONSTRUCTION ACTIVITIES.
- 17. CONTRACTOR IS RESPONSIBLE FOR ALL SAFETY PRECAUTIONS & OSHA COMPLIANCE. CONTRACTOR SHALL REFER TO THE CONTRACT DOCUMENTS FOR ADDITIONAL REQUIREMENTS.
- 18. CONTRACTOR IS RESPONSIBLE FOR ALL SHOP DRAWINGS, PRODUCT DATA & SAMPLES. CONTRACTOR SHALL REFER TO THE CONTRACT DOCUMENTS FOR ADDITIONAL REQUIREMENTS.
- 19. CONTRACTOR SHALL COMPLY WITH THE TRENCH SAFETY ACT, SECTIONS 533.60 THROUGH 533.64 OF THE FLORIDA STATUTES. CONTRACTOR IS TO REFER TO THE CONTRACT DOCUMENTS FOR ADDITIONAL REQUIREMENTS.
- 20. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, COUNTY, AND LOCAL LAWS. CONTRACTOR SHALL REFER TO THE CONTRACT DOCUMENTS FOR ADDITIONAL REQUIREMENTS.
- 21. CONTRACTOR SHALL IMMEDIATELY NOTIFY THE PROJECT MANAGER OF ANY CONFLICTS IN THE DRAWINGS.
- 22. CONTRACTOR SHALL PERFORM TESTING REQUIRED BY THE PERMITTING ENTITIES OR THE CITY: CONTRACTOR SHALL REFER TO THE CONTRACT DOCUMENTS FOR ADDITIONAL REQUIREMENTS.
- 23. ALL SIDEWALK IMPACTED BY CONSTRUCTION MUST BE REPLACED/REPAIRED BY THE CONTRACTOR AT NO COST TO THE PROJECT. WORK INCLUDES ALL MEASURES NECESSARY TO COMPLY WITH ADA STANDARDS AND REQUIREMENTS.
- 24. DURING CONSTRUCTION, THE PROJECT SITE, STAGING AREA, AND ALL ADJACENT AREAS SHALL BE MAINTAINED IN A NEAT AND CLEAN MANNER. UPON FINAL CLEAN UP, THE PROJECT SITE SHALL BE LEFT CLEAR OF ALL SURPLUS MATERIAL OR TRASH. AREAS WITH CONCRETE CONSTRUCTION SHALL BE SWEPT BROOM CLEAN.

### ENVIRONMENTAL NOTES

- 1. NO IMPACTS TO EXISTING HISTORICAL AND CULTURAL RESOURCES ARE EXPECTED AS A RESULT OF THIS PROJECT
- 2. NO STAGING OR OTHER ACTIVITIES FOR THIS PROJECTSSHOULD OCCUR WITHIN THE DRIPLINE OF EXISTING TREES.
- 3. PREVENT DAMAGE TO TREES, BUSHES AND OTHER LANDSCAPE WITHIN OR IMMEDIATELY ADJACENT TO THE PROJECT'S RIGHT-OF-WAY. THE CONTRACTOR SHALL NOT REMOVE, RELOCATE OR PRUNE ANY TREES WITHOUT PRIOR APPROVAL FROM THE CITY, AND ONLY AS SPECIFIED IN THESE PLANS.

### RIGHT OF WAY NOTES:

- 1. ALL PROPOSED WORK AND IMPROVEMENTS SHALL BE PERFORMED FROM AND WITHIN THE LIMITS OF THE EXISTING CITY AND FDOT RIGHT-OF-WAY.
- 2. THE CONTRACTOR SHALL NOT ENCROACH INTO PRIVATE PROPERTY WITH PERSONNEL, MATERIAL OR EQUIPMENT.
- 3. STAGING AND MATERIAL STORAGE SHALL NOT BE CONDUCTED ON ABUTTING PRIVATE PROPERY WITHOUT APPROVAL FROM THE OWNER. PRIOR TO BEGINNING WORK, A RIGHT-OF-ENTR AGREEMENT OF LEASE BETWEEN THE PROPERTY OWNER AND THE CONTRACTOR SHALL BE EXECUTED WITH COPIES PROVIDED TO THE CITY CONSTRUCTION MANAGER

ENGINEER OF RECORD		ARMANDO J. AGUIAR. P.E.	P.E. LICENSE NUMBER 84075	MARLIN ENGINEERING, INC. 3363 WEST COMMERCIAL RIVID	SUITE 115	FORT LAUDERDALE, FL 33309
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### UTILITIES

- 1. THE LOCATION(S) OF THE UTILITIES SHOWN IN THE PLANS ARE BASED ON LIMITED INVESTIGATION TECHNIQUES AND SHOULD BE CONSIDERED APPROXIMATE ONLY.
- 2. CONTRACTOR SHALL: A. COMPLY WITH FLORIDA STATUTE 553.851 FOR FUTURE PROTECTION OF UNDERGROUND GAS PIPELINES.

B. USE CAUTION WHEN WORKING IN OR AROUND AREAS OF OVERHEAD TRANSMISSION LINES OR UNDERGROUND UTILITIES.

C. COORDINATE WITH UTILITIES COMPANIES/OWNERS TO ARRANGE RELOCATION OR REMOVAL AND PROVIDE TEMPORARY SUPPORT OF UTILITIES FEATURES, ETC. AS NECESSARY TO COMPLETE THE WORK.

D. NOTIFY THE UTILITY COMPANIES 48 HOURS IN ADVANCE OF ANY EXCAVATION INVILVING THEIR UTILITIES SO THAT A COMPANY REPRESENTATIVE CAN BE PRESENT.

- 3. THE CONTRACTOR IS RESPONSIBLE FOR INSPECTING THE SITE PRIOR TO COMMENCING ANY WORK AND CONTACTING SUNSHINE ONE CALL AT 1-800-432-4770 AT LEAST 48 HOURS BEFORE ANY EXCAVATION OR TRENCHING TO VERIFY EXISTING UTILITIES. IT'S IMPORTANT TO NOTE THAT NOT ALL UTILITIES SUBSCRIBE TO SUNSHINE. THE CONTRACTOR IS LIABLE FOR DAMAGE TO ANY EXISTING UTILITIES IF THEY FAIL TO VERIFY THEIR HORIZONTAL AND VERTICAL LOCATIONS, REGARDLESS OF THEIR PROPER LOCATION. ADDITIONALLY, THE CONTRACTOR SHOULD PROVIDE THE CITY WITH A COPY OF THE SUNSHINE REPORT FOR CITY PROJECTS RECORDS.
- 4. THE CONTRACTOR IS ADVISED THAT PROPERTIES ADJACENT TO THE PROJECT MAY HAVE ELECTRIC, TELEPHONE, GAS, WATER, AND/OR SEWER LATERALS WHICH MAY NOT BE SHOWN ON THE PLANS. THE CONTRACTOR SHALL REQUEST THE LOCATION OF THESE SERVICES FROM THE UTILITY COMPANIES. THE ADDITIONAL COST OF EXCAVATING, INSTALLING, BACKFILL AND COMPACTING AROUND THESE SERVICES SHALL BE INCIDENTAL TO THE CONTRACT AT NO ADDITIONAL COST TO THE CITY.

### PRE-CONSTRUCTION RESPONSIBILITIES

- 1. PRIOR TO COMMENCEMENT OF THE CONSTRUCTION AND THE RECEIPT OF THE "NOTICE TO PROCEED: THE CONTRACTOR SHALL CONTACT THE CITY OF FORT LAUDERDALE MANAGER AND ARRANGE A PRE-CONSTRUCTION CONFERENCE TO INCLUDE THE ENGINEER OF RECORD. THE CONTRACTOR SHALL SUBMIT A CONSTRUCTION SCHEDULE AND BE PREPARED TO DISCUSS ANY CONCERNS OR COORDINATION EFFORTS AND REQUIREMENTS WITH THE PARTIES INVOLVED.
- 2. THE CONTRACTOR IS REQUIRED TO OBTAIN AND PAY FOR ALL APPLICABLE CONSTRUCTION PERMITS PRIOR TO START OF CONSTRUCTION.

### PROJECT RECORD DOCUMENTS

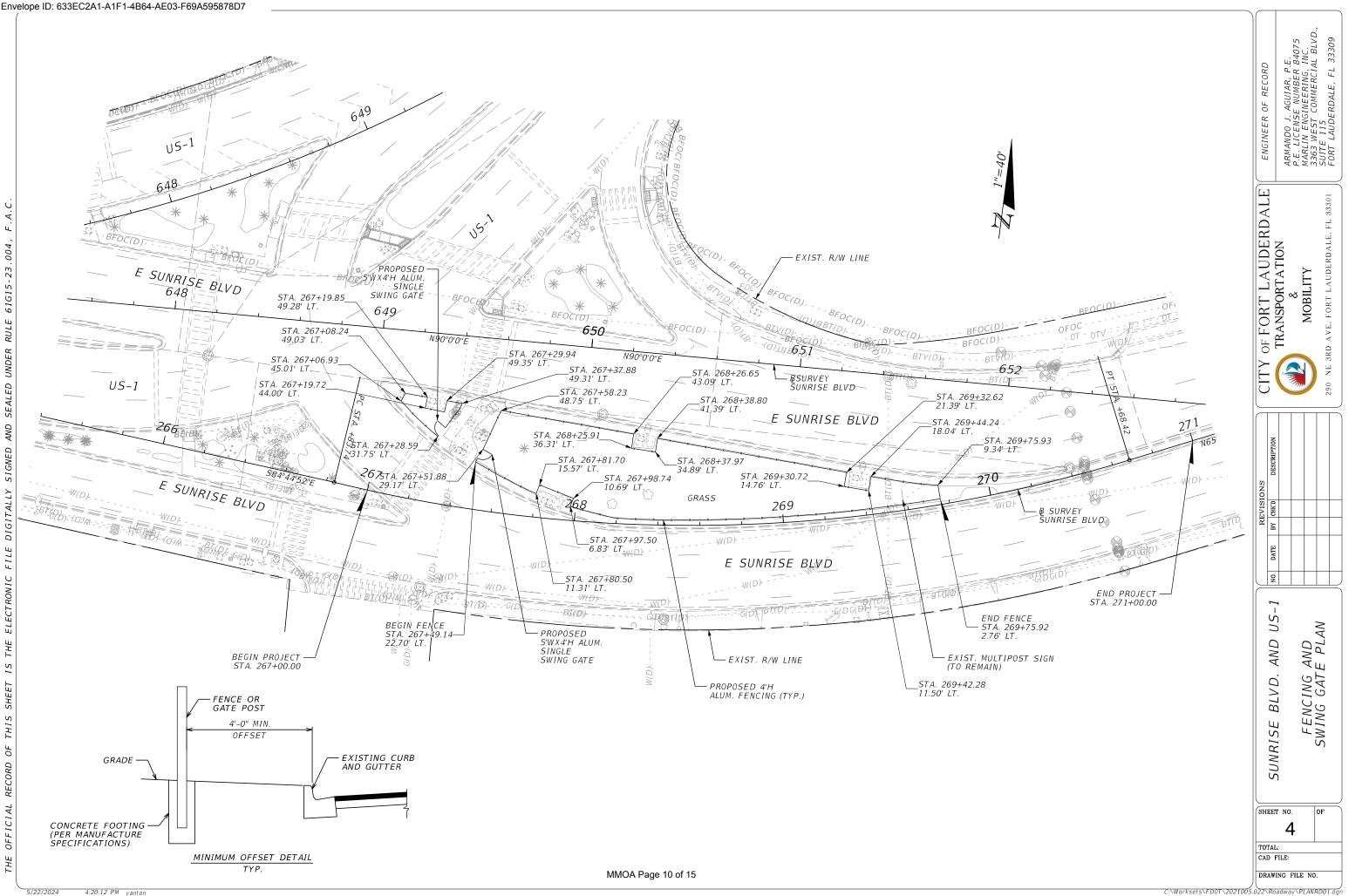
1. UPON COMPLETION OF CONSTRUCTION AND PRIOR TO FINAL PAYMENT, THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER ONE COMPLETE SET OF ALL "AS-BUILT" CONSTRUCTION CHANGES AND DIMENSIONS, LOCATIONS AND ELEVATIONS OF ALL IMPROVEMENTS.

### APPLICABLE CODES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THAT ALL CONSTRUCTION SHALL BE DONE IN A SAFE MANNER AND IN STRICT COMPLIANCE WITH ALL REQUIREMENTS OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AND ALL STATE AND LOCAL SAFETY AND HEALTH REGULATIONS.

UTILITY AGENCY OWNERS: COMPANY	CONTACT	TELEPHONE NUMBERS
AT&T FLORIDA	OTIS KEEVE	954-309-0753
ATLANTIC BROADBAND	JAVARES HALL	305-213-9908
CENTURYLINK (FKA LEVEL 3)	FRANCISCO AZURI	786-266-1713
CITY OF FORT LAUDERDALE	WAYNE DARBY	954-828-5618
CITY OF OAKLAND PARK	BRYNT JOHNSON	954-630-4343
COMCAST CABLE	ANTHONY SPRINGSTEEL	561-321-3425
CROWNCASTLE	DANNY HASKET	786-610-7073
FLORIDA POWER AND LIGHT DISTRIBUTION	BYRON SAMPLE	954-321-2056
HOTWIRE COMMUNICATIONS	WALTER SANCHO-DAVILA	954-248-7396
TECO PEOPLES GAS	DAVID RIVERA	954-453-0794
VERIZON BUSINESS	JASON MATTHEWS	954-298-5606

ENGINEER OF RECORD		MARLIN ENGINEERING, INC.	FORT LAUDERDALE, FL 33309
CITY OF FORT LAUDERDALE	TRANSPORTATION	& MOBILITY	290 NE 3RD AVE, FORT LAUDERDALE, FL 33301
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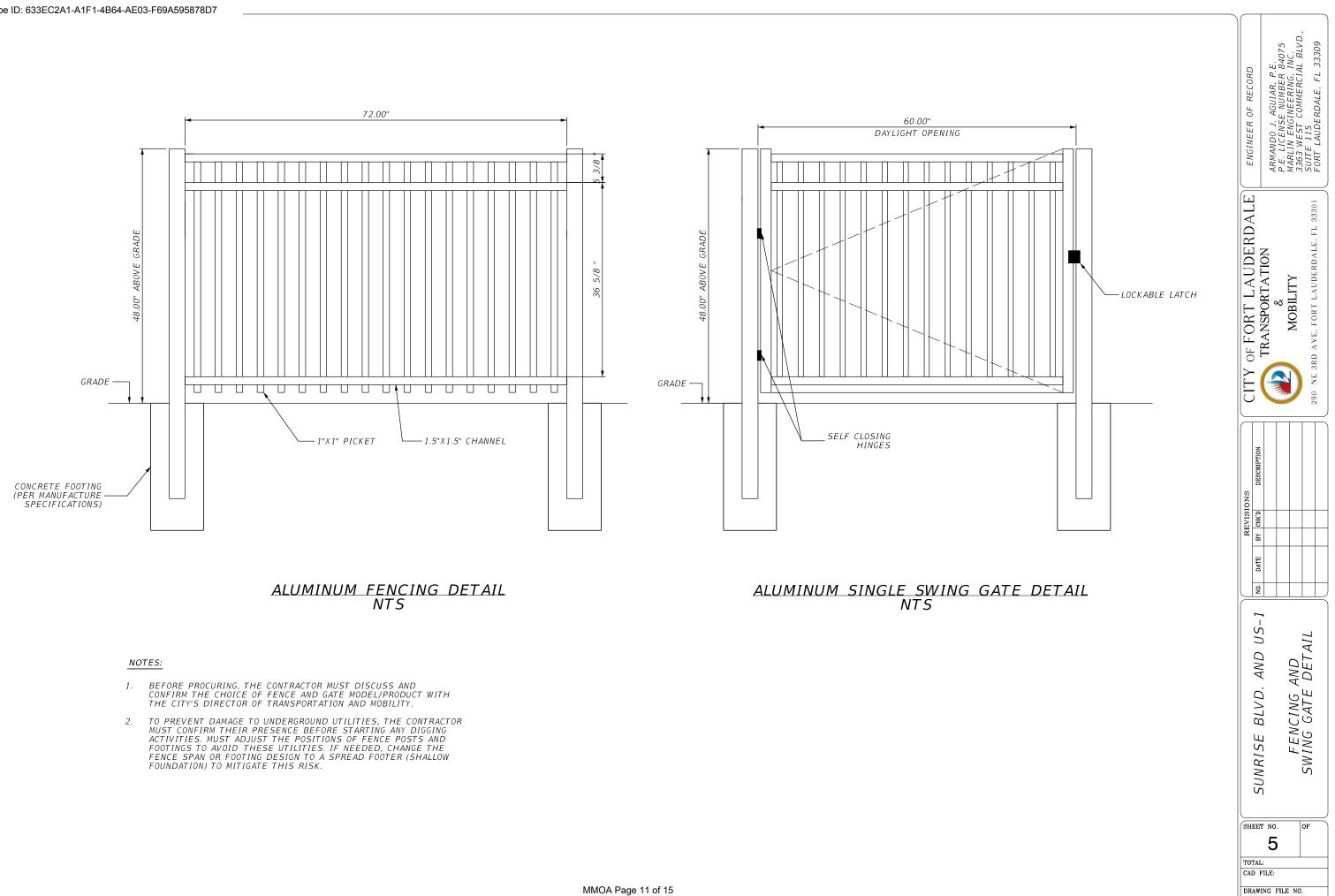
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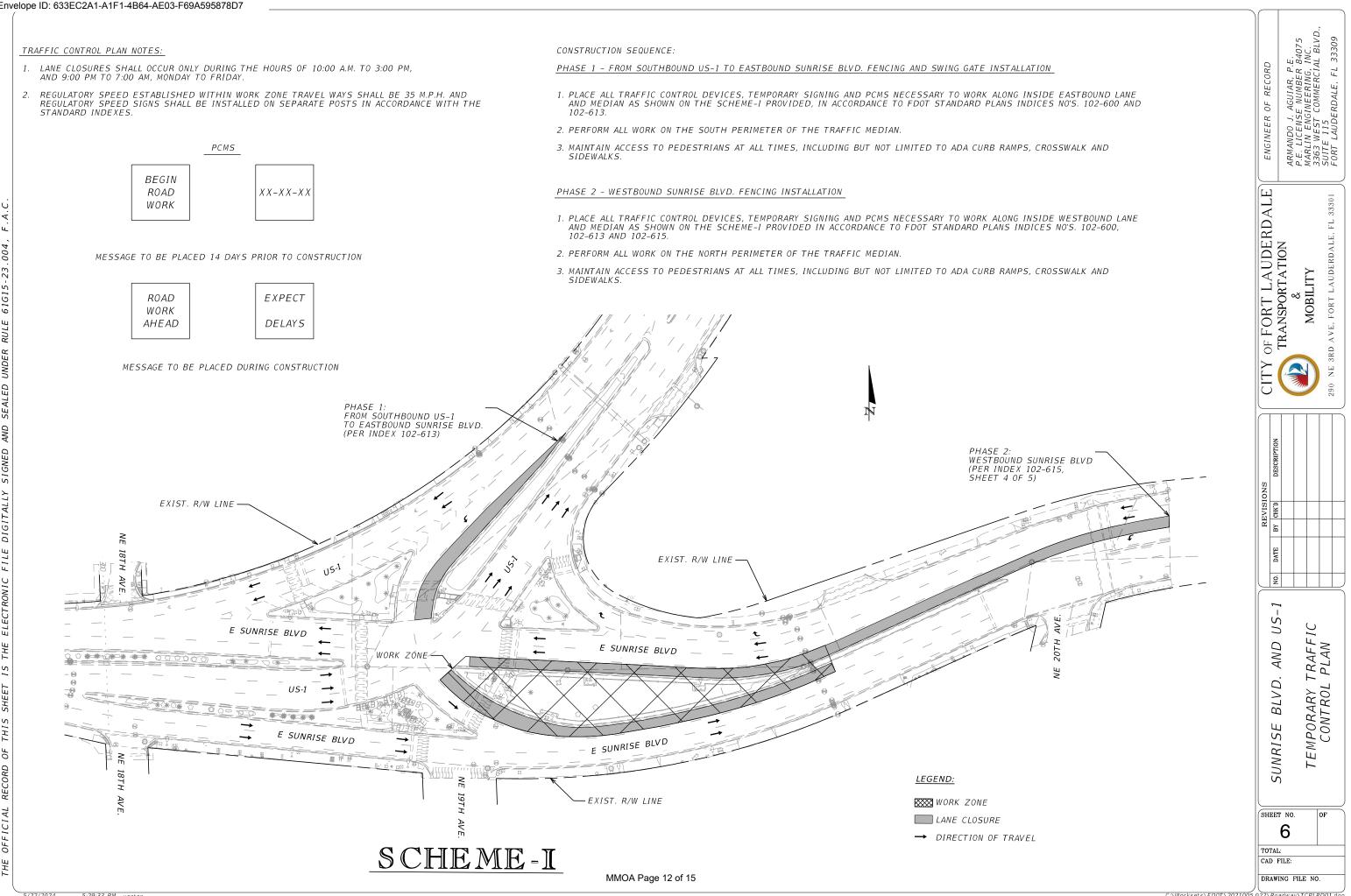
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# EXHIBIT C

# RESOLUTION

This Exhibit forms an integral part of the LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT between the FLORIDA DEPARTMENT OF TRANSPORTATION and the AGENCY.

Please see attached

# **RESOLUTION NO. 24-206**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF AMENDMENT NUMBER SEVEN (7) TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT FOUR (4) LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE TRANSPORTATION. FLORIDA DEPARTMENT OF FOR INSTALLATION AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF STATE ROAD 838 (SUNRISE BOULEVARD); PROVIDING FOR PROVIDING FOR SEVERABILITY; AND CONFLICTS. PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 12, 2007, the City of Fort Lauderdale, Florida ("City") entered into a District Four 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 838 (Sunrise Boulevard); and

WHEREAS, the City and FDOT agree to enter into a Seventh Amendment to the MMOA for the purpose of adding additional landscape improvements, including median fencing and a swing gate, to be installed in accordance with the plans and specifications of the MMOA; and

WHEREAS, because State Road 838 is an FDOT right-of-way, authorization for this work must be permitted by FDOT; and

WHEREAS, FDOT requires the City to enter into Amendment Number Seven (7) to the MMOA, to increase the City's maintenance responsibilities within the project limits along State Road 838;

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

<u>SECTION 1</u>. That the City Commission of the City of Fort Lauderdale, Florida, hereby approves and authorizes the execution of Amendment Number Seven (7) to the State of Florida Department of Transportation District Four (4) Landscape Maintenance Memorandum of Agreement for the installation and maintenance of landscape improvements within the right-of-way on State Road 838 (Sunrise Boulevard).

# **RESOLUTION NO. 24-206**

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<u>SECTION 2</u>. 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.

<u>SECTION 3</u>. That all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

<u>SECTION 4.</u> That if any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

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

ADOPTED this 15th day of October, 2024.

Mavor

DEAN J. TRANTALIS

ATTEST:

City Clerk

DAVID R. SOLOMAN

APPROVED AS TO FORM: AND CORRECTNESS:

City/Attorney THOMAS J. ANSBRO

Dean J. Trantalis	Yea
John C. Herbst	Yea
Steven Glassman	<u>Yea</u>
Pamela Beasley-Pittman	<u>Yea</u>
Warren Sturman	<u>Yea</u>