

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCINDING RESOLUTION NO. 21-126, APPROVING A LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR INSTALLATION AND MAINTENANCE OF LANDSCAPE AND HARDSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF STATE ROAD 5/US 1, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH THE FLAGLER VILLAGE LAND TRUST, AND PROVIDING FOR AN EFFECTIVE DATE.

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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 installation and maintenance of landscape and hardscape improvements within the right-of-way on State Road 5/US 1; and

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

WHEREAS, because State Road 5/US 1 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 and hardscape improvements; and

WHEREAS, the City and the current owner of the property, The Flagler Village Land Trust, 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 The Flagler Village Land Trust and wherein The Flagler Village Land Trust, 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 The Flagler Village Land Trust; and

WHEREAS, on July 6, 2021, the City commission adopted Resolution No. 21-126, approving and authorizing execution of the MMOA between the City of Fort Lauderdale, Florida, and the Florida Department of Transportation for the installation and maintenance of landscape and hardscape improvements within the right-of-way on State Road 5/US1; and

WHEREAS, the Landscape Improvement Plans, attached as Exhibit B, L-2, of the MMOA was modified, by the Florida Department of Transportation;

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

SECTION 1. That Resolution No. 21-126 of the City Commission of the City of Fort Lauderdale, Florida, is hereby rescinded.

SECTION 2. That the City Manager is authorized to execute a Landscape Maintenance Memorandum of Agreement, attached to City Commission Agenda Memo #22-0032, between the City of Fort Lauderdale, Florida, and the Florida Department of Transportation for the installation and maintenance of landscape and hardscape improvements within the right-of-way on State Road 5/US 1.

SECTION 3. That the City Manager is authorized to execute an Assumption of Liability and Hold Harmless Agreement, attached to City Commission Agenda Memo #22-0032, between the City and The Flagler Village Land Trust, wherein The Flagler Village Land Trust agrees to assume liability and hold the City harmless from any obligations under the Landscape Maintenance Memorandum of Agreement pertaining to any landscape and hardscape improvements installed in the right-of-way by The Flagler Village Land Trust.

SECTION 4. The Office of the City Attorney shall review and approve as to form all documents prior to their execution by City officials and shall approve the manner of execution of the Assumption of Liability and Hold Harmless Agreement by the parties.

SECTION 5. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor  
DEAN J. TRANTALIS

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ATTEST:

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City Clerk  
JEFFREY A. MODARELLI