

RESOLUTION NO. 22-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF AMENDMENT NUMBER SEVENTEEN (17) TO THE DISTRICT FOUR (4) STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT FOR STATE ROAD A1A, WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH THE SHOPPES AT RIO VISTA LLC, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, Florida ("City") and the Florida Department of Transportation ("FDOT") entered into a Landscape Inclusive Maintenance of Memorandum Agreement ("MMOA") on January 31, 2008, for the purpose of maintaining the landscape improvements, by the City, on State Road A1A; and

WHEREAS, the City wishes to enter into Amendment Number Seventeen to the District Four (4) State of Florida Department of Transportation Landscape Inclusive Maintenance Memorandum of Agreement for State Road A1A ("Amendment Number Seventeen"), with FDOT, for the installation and maintenance of landscape improvements ("improvements") on State Road A1A (S.E. 17<sup>th</sup> Street Causeway) from Miami Road to South East 10<sup>th</sup> Avenue, between Mile Post 0.157 to Mile Post 0.253; and

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

WHEREAS, because State Road A1A is an FDOT right-of-way, authorization for the improvements must be permitted by FDOT; and

WHEREAS, FDOT requires municipalities to enter into an MMOA for the installation and maintenance of landscape improvements; and

WHEREAS, the City and the current owner of the properties, the Shoppes at Rio Vista 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 and Amendment Number Seventeen, to the Shoppes at Rio Vista LLC; and

WHEREAS, the Shoppes at Rio Vista LLC, agrees to assume and hold the City harmless from any obligations under the MMOA and Amendment Number Seventeen, pertaining to any improvements installed in the right-of-way by the Shoppes at Rio Vista 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 Amendment Number Seventeen (17) to the District Four (4) State of Florida Department of Transportation Landscape Inclusive Maintenance Memorandum of Agreement for State Road A1A, with the Florida Department of Transportation, for the installation and maintenance of landscape improvements within the right-of-way on State Road A1A.

SECTION 2. That the Assumption of Liability and Hold Harmless Agreement between the City and the Shoppes at Rio Vista LLC, is hereby approved and the City Commission 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 City officials.

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

ADOPTED this 5<sup>th</sup> day of July, 2022.

  
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Mayor  
DEAN J. TRANTALIS

ATTEST:

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

Dean J. Trantalis      Yea


Heather Moraitis      Yea

Steven Glassman      Yea

RESOLUTION NO. 22-137

PAGE 3

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney  
ALAIN E. BOILEAU

Robert L. McKinzie     Yea

Ben Sorensen     Yea