

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE EXECUTION OF A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF LANDSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY ON FEDERAL HIGHWAY BETWEEN SOUTHEAST 21ST STREET AND SOUTHEAST 22ND STREET, AUTHORIZING THE EXECUTION OF AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH HOLMAN AUTOMOTIVE, INCORPORATED, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, Florida (the "City") will enter into a Maintenance Memorandum of Agreement ("MMOA") with the Florida Department of Transportation ("FDOT") for landscape improvements within the right-of-way on Federal Highway between SE 21st Street and SE 22nd Street; and

WHEREAS, the landscape improvements include palm trees and various shrubs and groundcover, subject to certain terms and conditions; and

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

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

WHEREAS, the City and the current owner of the property, Automotive, Inc. ("Holman") 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 Holman and wherein Holman 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 Holman;

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

SECTION 1. The execution of a Maintenance Memorandum of Agreement between the City of Fort Lauderdale, Florida (the "City") and the Florida Department of Transportation

for the maintenance of landscape improvements installed within the right-of-way on Federal Highway between SE 21st Street and SE 22nd Street is hereby authorized.

SECTION 2. The execution of an Assumption of Liability and Hold Harmless Agreement between the City and Holman Automotive, Inc. wherein Holman Automotive, Inc. agrees to assume and hold the City harmless from any obligations under the Maintenance Memorandum of Agreement pertaining to any landscape improvements installed in the right-of-way by Holman Automotive, Inc. is hereby authorized.

SECTION 3. 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 final passage.

ADOPTED this the _____ day of _____, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI