

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ELEVENTH (11<sup>TH</sup>) AMENDMENT TO THE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR MAINTENANCE OF LANDSCAPE AND HARDSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY ON THE EAST SIDE OF A-1-A BETWEEN NORTHEAST 22<sup>ND</sup> STREET AND NORTHEAST 23<sup>RD</sup> STREET AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH PRH FAIRWINDS, LLC, PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City of Fort Lauderdale, Florida (the "City") and the Florida Department of Transportation ("FDOT") entered into the Landscape Maintenance Memorandum of Agreement on January 31, 2008; and

WHEREAS, the City wishes to enter into an Eleventh (11<sup>th</sup>) Amendment to the Maintenance Memorandum of Agreement ("MMOA") with FDOT for additional landscape and hardscape improvements within the right-of-way on A-1-A between NE 22<sup>nd</sup> Street and NE 23<sup>rd</sup> Street; and

WHEREAS, the landscape and hardscape improvements include nine shade trees with various shrubs/groundcover and architectural concrete pavers along A-1-A for the Auberge Beach Residences and Spa development located at 2220 N. Ocean Boulevard, subject to certain terms and conditions; and

WHEREAS, because A-1-A 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 and hardscape improvements; and

WHEREAS, the City and the current owner of the property, PRH Fairwinds, LLC ("PRH") 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 PRH and wherein

PRH 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 PRH;

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

SECTION 1. That the proper city officials are authorized to execute an Eleventh (11<sup>th</sup>) Amendment to the Maintenance Memorandum of Agreement between the City of Fort Lauderdale, Florida (the "City"), and the Florida Department of Transportation for the maintenance of landscape and hardscape improvements installed within the right-of-way on A-1-A between NE 22<sup>nd</sup> Street and NE 23<sup>rd</sup> Street.

SECTION 2. That the proper city officials are authorized to execute an Assumption of Liability and Hold Harmless Agreement between the City and PRH Fairwinds, LLC wherein PRH Fairwinds, LLC agrees to assume and hold the City harmless from any obligations under the Maintenance Memorandum of Agreement pertaining to any landscape and hardscape improvements installed in the right-of-way by PRH Fairwinds, LLC.

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

SECTION 5. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the \_\_\_\_ day of \_\_\_\_\_, 2018.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI