

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR INSTALLATION AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY ON STATE ROAD 842 (BROWARD BOULEVARD) FROM NORTHWEST 24TH AVENUE EAST TO NORTHWEST 22ND AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH RIVERBEND MASTER ASSOCIATION, INC., PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, Florida (the "City") wishes to enter into a Maintenance Memorandum of Agreement ("MMOA") with the Florida Department of Transportation ("FDOT") for installation and maintenance of landscape improvements within the right-of-way on State Road 842 (Broward Boulevard) from Northwest 24th Avenue east to Northwest 22nd Avenue; and

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

WHEREAS, because State Road 842 (Broward Boulevard) 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, Riverbend Master Association, Inc., ("Riverbend") 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 Riverbend and wherein Riverbend 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 Riverbend;

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

SECTION 1. That the City Manager is authorized to execute a Maintenance Memorandum of Agreement between the City of Fort Lauderdale, Florida (the "City"), and the Florida Department of Transportation for installation and maintenance of landscape improvements within the right-of-way on State Road 842 (Broward Boulevard) from Northwest 24th Avenue east to Northwest 22nd Avenue.

SECTION 2. That the City Manager is authorized to execute an Assumption of Liability and Hold Harmless Agreement between the City and Riverbend Master Association, Inc. ("Riverbend") wherein Riverbend 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 Riverbend.

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 _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI