

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE 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/NORTH FEDERAL HIGHWAY/US 1, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH HAPPY LAND FL, L.L.C., AND PROVIDING FOR AN EFFECTIVE DATE.

---

WHEREAS, the City of Fort Lauderdale, Florida (the "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/North Federal Highway/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/North Federal Highway/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 MMOA for the maintenance of landscape and hardscape improvements; and

WHEREAS, the City and the current owner of the property, Happy Land FL, L.L.C., ("Happy Land") 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 Happy Land and wherein Happy Land 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 Happy Land;

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 Landscape 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 and hardscape improvements within the right-of-way on State Road 5/North Federal Highway/US 1.

SECTION 2. That the City Manager is authorized to execute an Assumption of Liability and Hold Harmless Agreement between the City and Happy Land FL, L.L.C. ("Happy Land") wherein Happy Land 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 Happy Land.

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