



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#19-0120**

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**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** May 7, 2019

**TITLE:** Resolution to Approve a 1) Third (3rd) Amendment to the Maintenance Memorandum of Agreement Inclusive Agreement for State Road 838 with the Florida Department of Transportation for Landscape Improvements on State Road 838 (Sunrise Boulevard) and State Road 845 (Powerline Road) and, 2) Assumption of Liability and Hold Harmless Agreement with Crown Liquors of Broward, Inc. and Circle K Stores, Inc. - (Commission District 3)

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**Recommendation**

It is recommended that the City Commission adopt a resolution authorizing the City Manager to execute 1) Third (3<sup>rd</sup>) Amendment to the Maintenance Memorandum of Agreement Inclusive Agreement for State Road 838 with Florida Department of Transportation (Exhibit 1) providing landscape improvements on State Road 838 (Sunrise Boulevard) and State Road 845 (Powerline Road) and, 2) Assumption of Liability and Hold Harmless Agreement, in substantially the form attached, with Crown Liquors of Broward, Inc. and Circle K Stores, Inc. (Exhibit 5).

**Background**

In December 2007, the City entered into a Maintenance Memorandum of Agreement with the Florida Department of Transportation (FDOT) for the purpose of the City maintaining the landscape improvements on various roads including State Road 838 (Sunrise Boulevard). The Third Amendment includes provisions allowing Circle K Stores, Inc. (Circle K) as the tenant of the adjacent property owner, Crown Liquors of Broward, Inc. (Crown Liquors), to construct additional landscape improvements or to modify an improvement on State Road 838 (Sunrise Boulevard) from M.P. 6.996 to M.P. 7.051 and State Road 845 (Powerline Road) from M.P. 0.000 to M.P. 0.062, subject to certain terms and conditions defined in the MMOA. The Assumption of Liability and Hold Harmless Agreement (Agreement) between the City and Crown Liquors/Circle K, passes the costs associated with the MMOA to Crown Liquors and Circle K. Crown Liquors and Circle K agree, jointly and severally, to assume the City's obligation to maintain the improvements installed by them, in the right of way in accordance with the agreement

**Resource Impact**

There is no fiscal impact associated with this action.

**Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Infrastructure Cylinder of Excellence, specifically advancing:

- Goal 1: Be a pedestrian friendly, multi-modal city.
- Objective 1: Integrate transportation land use and planning to create a walkable and bikeable community.
- Initiative 8: Adopt Complete Streets guidelines.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan*: We are Connected.

**Attachments**

Exhibit 1 – Third Amendment to the Memorandum of Agreement

Exhibit 2 – Second Amendment to the Memorandum of Agreement

Exhibit 3 – First Amendment to the Memorandum of Agreement

Exhibit 4 – Memorandum of Agreement

Exhibit 5 – Assumption of Liability and Hold Harmless Agreement

Exhibit 6 – Resolution

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Prepared by: Donna Varisco, Transportation and Mobility

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