

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT TO THE MAINTENANCE MEMORANDUM OF AGREEMENT INCLUSIVE AGREEMENT FOR STATE ROAD 838 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION PROVIDING LANDSCAPE IMPROVEMENTS ON STATE ROAD 838 (SUNRISE BOULEVARD) AND STATE ROAD 845 (POWERLINE ROAD) AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH CROWN LIQUORS OF BROWARD, INC. AND CIRCLE K STORES, INC. AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida, (City) approved the execution of a Maintenance Memorandum of Agreement Inclusive Agreement for SR 838 dated December 12, 2007, between the City of Fort Lauderdale and the Florida Department of Transportation (FDOT) for improvements on various roads including State Road 838 (Sunrise Boulevard) and for the purpose of the City to maintain the landscape improvements; and

WHEREAS, on January 17, 2012, the City approved the First Amendment to the Maintenance of Memorandum Agreement, which allowed FDOT to construct additional landscape improvements or modify improvements on State Road 838 from east of N.E. 20th Avenue to Bayview and further required the City to use the U.S. Department of Homeland Security's E-Verify system; and

WHEREAS, on December 3, 2013, the City approved the Second Amendment to the Maintenance of Memorandum Agreement which allowed right-of-way improvements as part of the Paseo del Mar site plan that was approved by the Planning and Zoning Board on August 15th, 2012; and

WHEREAS, FDOT requires the City to execute a Third Amendment to the Maintenance of Memorandum Agreement, to permit an adjacent property owner to install additional landscape improvements or to modify improvements located on State Road 838 (Sunrise Boulevard) and State Road 845 (Powerline Road); and

WHEREAS, Crown Liquors of Broward, Inc., is the adjacent property owner and Circle K Stores, Inc., as its tenant, has agreed to install landscape improvements in the right-of-way as proposed in the Third Amendment; and

WHEREAS, the City requires that Crown Liquors of Broward, Inc. as Property Owner and Circle K Stores, Inc. as its tenant, execute an Assumption of Liability and Hold Harmless Agreement, wherein the Owner and Tenant agree to assume all liability, obligations and responsibilities, as to the landscape improvements, jointly and severally, under the Agreement.

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

SECTION 1. That the City Manager of the City of Fort Lauderdale, Florida, is hereby authorized to execute the Third Amendment to the Maintenance Memorandum of Agreement with FDOT, providing for landscape improvements on State Road 838 (Sunrise Boulevard) and State Road 845 (Powerline Road).

SECTION 2. That Circle K Stores, as the tenant of the adjacent property owner, Crown Liquors of Broward, Inc. will be installing certain landscape improvements in the right-of-way, proposed in the Third Amendment to the Maintenance Memorandum of Agreement with FDOT.

SECTION 3. That the City Manager of the City of Fort Lauderdale, Florida, is hereby authorized to execute the Assumption of Liability and Hold Harmless Agreement on behalf of the City, wherein the parties agree that the property owner, Crown Liquors of Broward, Inc. and its tenant, Circle K Stores, shall assume all liability, obligations and responsibilities, as to the landscape improvements, jointly and severally, under the Agreement.

SECTION 4. 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