

RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIFTH AMENDMENT TO THE MAINTENANCE MEMORANDUM OF AGREEMENT INCLUSIVE AGREEMENT FOR STATE ROAD 838 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION PROVIDING LANDSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY ON STATE ROAD 838/SUNRISE BOULEVARD AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH ANDREWS PROJECT DEVELOPMENT LLC, 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 ("MMOA"), for SR 838, 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 maintaining the landscape improvements;

WHEREAS, the parties entered the MMOA on December 12, 2007, which was subsequently amended in order to add or modify various landscape improvements by adjacent owners within the right-of-way; and

WHEREAS, because State Road 838/Sunrise Boulevard is an FDOT right-of-way, authorization for this work must be permitted by FDOT; and

WHEREAS, FDOT requires municipalities to enter into an MMOA for the maintenance of landscape improvements; and

WHEREAS, FDOT requires the CITY to execute a fifth amendment to the MMOA, to permit Andrews Project Development LLC to install additional landscape improvements or to modify improvements on State Road 838/Sunrise Boulevard; and

WHEREAS, the City and the current owner of the property, Andrews Project Development LLC ("Andrews Project"), 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 Andrews Project Development LLC and wherein Andrews Project Development LLC agrees to assume and hold the City harmless from any obligations under the MMOA and proposed 5th Amendment to the MMOA pertaining to any improvements installed in

the right-of-way by Andrews Project Development LLC.

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 Fifth (5th) 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 improvements installed within the right-of-way on State Road 838/Sunrise Boulevard.

SECTION 2. That the City Manager of the City of Fort Lauderdale, Florida, is hereby authorized to execute an Assumption of Liability and Hold Harmless Agreement between the City and Andrews Project Development LLC, wherein Andrews Project Development LLC agrees to assume and hold the City harmless from any obligations under the Maintenance Memorandum of Agreement and proposed 5th Amendment to the State of Florida Department of Transportation Landscape Inclusive Memorandum of Agreement pertaining to any landscape improvements installed in the right-of-way by Andrews Project Development, 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 ____ day of _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI