



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

#19-0993

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: December 17, 2019

TITLE: Resolution Approving a Fifth Amendment to the Maintenance Memorandum of Agreement Inclusive Agreement for State Road 838 with the Florida Department of Transportation for Landscape Improvements Within the Right-of-Way of State Road 838 (Sunrise Boulevard) and Assumption of Liability and Hold Harmless Agreement with Andrews Project Development, LLC. - **(Commission District 2)**

Recommendation

It is recommended that the City Commission adopt a resolution authorizing the City Manager to execute a Fifth Amendment to the Maintenance Memorandum of Agreement inclusive Agreement for State Road 838 (Sunrise Boulevard) with the Florida Department of Transportation for landscape improvements within the right of way of State Road 838 (Sunrise Boulevard) between Mile Post 7.537 to Mile Post 7.653 and an Assumption of Liability and Hold Harmless Agreement, in substantially the form attached, with Andrews Project Development, LLC.

Background

In December 2007, the City of Fort Lauderdale (City) entered into a Landscape Inclusive Maintenance Memorandum of Agreement (MMA) (Exhibit 2) 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 Fifth Amendment includes provisions allowing the property owner, Andrews Project Development, LLC, to construct additional landscape improvements or to modify an improvement on State Road 838 (Sunrise Boulevard) from Mile Post 7.537 to Mile Post 7.653, and in accordance with the plans attached as Exhibits "A" and "B" to the agreement. The Assumption of Liability and Hold Harmless Agreement (Agreement) (Exhibit 3) between the City and Andrews Project Development, LLC, passes the costs associated with the MMA to Andrews Project Development, LLC. Andrews Project Development, LLC agrees 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 supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Public Places Focus Area
- Goal 3: Build a healthy engaging community.
- Objective 3: Enhance the City's identity through public art, well maintained green spaces, and streetscapes.

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

Attachments

Exhibit 1 - Fifth Amendment to the Maintenance Memorandum of Agreement

Exhibit 2 - Memorandum of Agreement

Exhibit 3 - Assumption of Liability and Hold Harmless Agreement

Exhibit 4 - Resolution

Prepared by: Laura Morton, Transportation and Mobility

Interim Department Director: Ben Rogers, Transportation and Mobility