

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A TWELFTH (12TH) AMENDMENT TO THE LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR INSTALLATION AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF STATE ROAD A1A, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH HOTEL MOTEL, INC., AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, Florida (the "City") and the Florida Department of Transportation ("FDOT") entered into the Landscape Inclusive Maintenance Memorandum of Agreement ("MMOA") on January 31, 2008; and

WHEREAS, the City wishes to enter into a Twelfth (12th) Amendment to the MMOA with FDOT for installation and maintenance of landscape improvements within the right-of-way on State Road A1A between Mile Post 4.652 to Mile Post 4.713; and

WHEREAS, the landscape improvements will be installed in accordance with the plans and specifications attached as Exhibits "A" and "B" of the MMOA; and

WHEREAS, because State Road A1A is an FDOT right-of-way, authorization for this work must be permitted by FDOT; and

WHEREAS, FDOT requires municipalities to enter into a Landscape Inclusive Maintenance Memorandum of Agreement for the maintenance of landscape improvements; and

WHEREAS, the City and the current owner of the property, Hotel Motel, Inc., 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 Hotel Motel, Inc. and wherein Hotel Motel, Inc. 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 Hotel Motel, Inc.;

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 Twelfth (12th) Amendment to the Landscape Inclusive Maintenance Memorandum of Agreement between the City of Fort Lauderdale, Florida, and the Florida Department of Transportation for the installation and maintenance of landscape improvements within the right-of-way on State Road A1A between Mile Post 4.652 to Mile Post 4.713.

SECTION 2. That the City Manager is authorized to execute an Assumption of Liability and Hold Harmless Agreement between the City and Hotel Motel, Inc., wherein Hotel Motel, Inc. agrees to assume liability and hold the City harmless from any obligations under the Landscape Inclusive Maintenance Memorandum of Agreement pertaining to any landscape improvements installed in the right-of-way by Hotel Motel, Inc.

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 _____, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI