

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THE BAHIA MAR PEDESTRIAN BRIDGE LOCATED AT THE BAHIA MAR FORT LAUDERDALE BEACH HOTEL, FORT LAUDERDALE, FLORIDA AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH RAHN BAHIA MAR WALKWAY LLC, AND RAHN BAHIA MAR L.L.C AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, Florida ("City") is the owner of the Bahia Mar Pedestrian bridge ("pedestrian bridge") located at the Bahia mar Fort Lauderdale Beach Hotel; and

WHEREAS, the pedestrian bridge extends from the Bahia Mar Fort Lauderdale Beach Hotel over State Road A1A ("A1A") to the Fort Lauderdale Beach; and

WHEREAS, Rahn Bahia Mar Walkway, LLC and Rahn Bahia Mar L.L.C wish to reconstruct and repair the pedestrian bridge ("improvements"); and

WHEREAS, because the pedestrian bridge is located over A1A, a Florida Department of Transportation ("FDOT") right-of-way, the reconstruction and repair work must be authorized by FDOT; and

WHEREAS, FDOT requires the City to enter into a Maintenance Memorandum of Agreement for the maintenance of the pedestrian bridge improvements; and

WHEREAS, the improvements will be installed in accordance with the plans and specifications of the MMOA; and

WHEREAS, the City wishes to enter into a Maintenance Memorandum of Agreement ("MMOA") with FDOT for the improvements within the right-of-way on State Road A1A; and

WHEREAS, the City and Rahn Bahia Mar Walkway LLC, and Rahn Bahia Mar L.L.C have agreed to enter into an Assumption of Liability and Hold Harmless Agreement, which passes the City's responsibilities, liabilities, maintenance and costs associated with the MMOA to Rahn Bahia Mar Walkway LLC, and Rahn Bahia Mar L.L.C, wherein Rahn Bahia Mar Walkway LLC and Rahn Bahia Mar L.L.C agree to assume and hold the City harmless from any obligations under the proposed MMOA;

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 negotiate any necessary additional terms and conditions, with the approval of the City Attorney, and execute a Maintenance Memorandum of Agreement between the City of Fort Lauderdale, Florida, and the Florida Department of Transportation, in substantially the form attached, for the pedestrian bridge located at 801 Seabreeze Boulevard over State Road A1A.

SECTION 2. That the City Manager of the City of Fort Lauderdale, Florida, is hereby authorized to negotiate any necessary additional terms and conditions, with the approval of the City Attorney, and execute an Assumption of Liability and Hold Harmless Agreement between the City of Fort Lauderdale and Rahn Bahia Mar Walkway LLC, and Rahn Bahia Mar L.L.C, in substantially the form attached, wherein Rahn Bahia Mar Walkway LLC and Rahn Bahia Mar L.L.C agree to assume the City's responsibilities, liabilities, maintenance and costs associated with the Maintenance Memorandum of Agreement and hold the City harmless from any obligations under the Maintenance Memorandum of Agreement.

SECTION 3. The Office of the City Attorney shall review and approve as to form all documents prior to their execution by City officials and shall approve the manner of execution of the Assumption of Liability and Hold Harmless Agreement by the parties.

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.

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ADOPTED this _____ day of _____, 2020.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI