

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF THE DISTRICT FOUR AMENDMENT NUMBER ONE TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT FOR INSTALLATION AND MAINTENANCE OF LANDSCAPE AND STREETSCAPE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF STATE ROAD 811, AND AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH PLAZA STREET FUND 90, LLC, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fort Lauderdale, Florida ("City") and the Florida Department of Transportation ("FDOT") entered into a District Four (4) Maintenance Memorandum of Agreement ("MMOA") on June 16, 2005; and

WHEREAS, the City wishes to enter into Amendment Number One to the Landscape Maintenance Memorandum of Agreement ("Amendment Number One") with FDOT for installation and maintenance of landscape and streetscape improvements ("improvements") within the right-of-way on State Road 811 (Dixie Highway/NE 4th Avenue), between Mile Post 0.057 to Mile Post 0.124; and

WHEREAS, the landscape and streetscape improvements will be installed in accordance with the plans and specifications of the MMOA and Amendment Number One; and

WHEREAS, because State Road 811 is an FDOT right-of-way, authorization for the improvements must be permitted by FDOT; and

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

WHEREAS, the City and the current owner of the properties, Plaza Street Fund 90, LLC, have agreed to enter into an Assumption of Liability and Hold Harmless Agreement, which passes the maintenance responsibility and costs associated with the MMOA and Amendment Number One, to Plaza Street Fund 90, LLC; and

WHEREAS, Plaza Street Fund 90, LLC, agrees to assume and hold the City harmless from any obligations under the MMOA and Amendment Number One, pertaining to any

improvements installed in the right-of-way by Plaza Street Fund 90, LLC;

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

SECTION 1. That the City Commission of the City of Fort Lauderdale, Florida hereby approves and authorizes the execution of the District Four (4) Amendment Number One (1) to the State of Florida Department of Transportation Landscape Maintenance Memorandum of Agreement for the installation and maintenance of landscape and streetscape improvements within the right-of-way on State Road 811.

SECTION 2. That the Assumption of Liability and Hold Harmless Agreement between the City and Plaza Street Fund 90, LLC, is hereby approved and the City Commission authorizes execution of the Assumption of Liability and Hold Harmless Agreement.

SECTION 3. The Office of the City Attorney shall review and approve as to form all documents prior to their execution by the parties.

SECTION 4. That this Resolution shall be in full force and effect upon final adoption.

ADOPTED this _____ day of _____, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI