

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AMENDMENT NO. 15 TO THE LANDSCAPE INCLUSIVE MEMORANDUM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO INCLUDE THE PINNACLE 441, LLC LANDSCAPE IMPROVEMENTS; APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A MAINTENANCE AGREEMENT WITH PINNACLE 441 LLC TO MAINTAIN THE LANDSCAPE IMPROVEMENTS WITHIN STATE ROAD 7 RIGHTS-OF-WAY ASSOCIATED WITH THE PINNACLE 441 PHASE ONE MIXED-USE DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF STATE ROAD 7 AND JOHNSON STREET.

WHEREAS, Pinnacle 441, LLC is the owner and developer of a mixed-use development project with 113 residential units and commercial space, located at the southwest corner of State Road 7 and Johnson Street; and

WHEREAS, as part of the City's development approval for the Project, Pinnacle 441, LLC ("Owner") is installing landscape, irrigation, and specialty concrete paths along State Road 7 to enhance the project's frontage, and the owner is required to maintain such improvements at no cost to the City; and

WHEREAS, the Owner and the City desire to enter into the attached maintenance agreement setting forth each party's responsibilities and obligations; and

WHEREAS, on February 26, 2013, the City Commission passed and adopted Resolution No. 2013-027 that authorized the execution of a landscape inclusive memorandum of agreement with the Florida Department of Transportation ("FDOT"), and requires the City to maintain landscape and streetscape improvements within FDOT's medians, made outside the travel way and to the travel way, if applicable, that were made at the request of the City; and

WHEREAS, as State Road 7 is within the jurisdictional roadways system of the state, FDOT requires an amendment to the existing Inclusive Landscape Maintenance of Memorandum Agreement for inclusion of the landscape, irrigation, specialty concrete paths, and site furnishing improvements by Owner.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached Maintenance Agreement with Pinnacle 441, LLC, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form by the City Attorney.

Section 3: That it approves and authorizes the execution, by the appropriate City officials, of the attached Amendment No. 15 to the Landscape Inclusive Memorandum of Agreement with FDOT, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form by the City Attorney.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY