

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA AUTHORIZING THE CITY ATTORNEY TO FILE A CIVIL ACTION AGAINST FPL AND ANY OTHER POTENTIALLY LIABLE PARTY FOR DAMAGES RESULTING FROM THE 8" SEWER LINE BREAK THAT OCCURRED IN THE ALANDCO INDUSTRIAL PARK AREA IN 2013.

WHEREAS, sometime between May and September 2013, the City of Hollywood experienced a sudden increase in sewer flows in the Alandco Industrial Park area; and

WHEREAS, for the next year and a half, the City investigated the cause of the increase in sewer flows; and

WHEREAS, on July 23, 2015, City staff determined that the City's 8" sewer line was breached by two 2" fibernet lines owned by Florida Power & Light Company ("FPL"), which apparently bored through the City's line during installation; and

WHEREAS, on July 24, 2015, the line was repaired; and

WHEREAS, efforts to get FPL, its contractors and/or subcontractors to pay the City for its damages have been unsuccessful; and

WHEREAS, Section 7.02(b)(4) of the City Charter requires the City Attorney, when requested to do so by resolution of the City Commission, to prosecute and defend on behalf of the City all complaints, suits and controversies in which the City is a party; and

WHEREAS, the City Attorney recommends that the City Commission authorize him to file a civil action against FPL, and any other potentially liable party to recover the damages suffered by the City as a result of this incident.

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 the City Attorney is hereby authorized to file a civil action against FPL and any other potentially liable party to recover all damages to which the City is entitled as a result of this break and to seek any and all other remedies that may be appropriate.

Section 3: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida only:

DOUGLAS R. GONZALES, CITY ATTORNEY