

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A MAINTENANCE AGREEMENT WITH RACETRAC PETROLEUM, INC. TO MAINTAIN LANDSCAPE IMPROVEMENTS WITHIN THE STATE ROAD 84 RIGHTS-OF-WAY ASSOCIATED WITH THE RACETRAC GAS STATION AND CONVENIENCE STORE DEVELOPMENT; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE INCLUSIVE LANDSCAPE MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, INCLUDING THE RACETRAC PETROLEUM, INC. LANDSCAPE IMPROVEMENTS.

WHEREAS, RaceTrac Petroleum, Inc. is the owner and developer of a gas station project with 16 fueling stations and 5,411 square feet of convenience store located at 3001 SW 30th Avenue, at the southwest corner of State Road 84 and SW 30th Avenue ("Project"); and

WHEREAS, as part of the City's development approval for the Project, the RaceTrac Petroleum, Inc. ("Developer") is constructing landscape and irrigation improvements along State Road 84 to enhance the Project's frontage along State Road 84, and it is required to maintain such improvements at no cost to the City; and

WHEREAS, the Developer and the City desire to enter into the attached maintenance agreement setting forth each parties responsibilities and obligations; and

WHEREAS, on February 22, 2013, the City Commission passed and adopted Resolution No. 2013-27, which authorized the execution of an inclusive landscape maintenance memorandum of agreement with the Florida Department of Transportation ("FDOT") for the City to maintain landscape and streetscape improvements within FDOT's medians, outside the travel way, and made to the travel way, if applicable, that were made at the request of the City; and

WHEREAS, as State Road 84 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 and irrigation improvements by Developer.

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 RaceTrac Petroleum, Inc., together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That it approves and authorizes the execution, by the appropriate City officials, of the attached 7th amendment to the Memorandum of Agreement for landscape and street improvements with FDOT, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency 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 _____, 2020.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

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

DOUGLAS R. GONZALES
CITY ATTORNEY