

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE A HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ASSOCIATED WITH THE DELIVERY OF SIDEWALK AND BICYCLE LANE IMPROVEMENTS FOR CERTAIN PROJECTS IDENTIFIED IN THE FIVE-YEAR ADOPTED WORK PROGRAM THAT FALL WITHIN THE CITY OF HOLLYWOOD'S JURISDICTIONAL RIGHT OF WAY, MORE SPECIFICALLY THE NW 72<sup>ND</sup> AVENUE AND WASHINGTON STREET PROJECT.

WHEREAS, the City Commission supports the completion of missing sidewalk networks and designated bicycle lanes along the City's roadway system to provide safe pedestrian and bicycle pathways to protect residents from the traveling public and provide sustainable alternatives for mobility and transportation; and

WHEREAS, through the Department of Development Service's efforts, the Broward MPO designated full project federal funding in the amount of \$5,040,000 towards the NW 72<sup>ND</sup> Avenue and Washington Street Bike Lane Project No. 431770-3-52-01, providing for the construction of bike lanes along:

- NW 72<sup>nd</sup> Avenue from Hollywood Blvd to Johnson Street
- Washington Street from South 62<sup>nd</sup> Avenue to South Park Road

; and

WHEREAS, on November 15, 2017, the City Commission passed and adopted Resolution No. 2017-334, which endorsed FDOT's delivery of the aforementioned projects that fall within the City jurisdictional right of way; and

WHEREAS, in order to complete this project, FDOT requires that the City execute the attached Highway Maintenance Memorandum of Agreement in order for FDOT to construct certain improvements, including those sidewalk and bicycle lane improvements set forth in Exhibit "A" of the agreement, and sets forth that the City will maintain the improvements upon completion; and

WHEREAS, FDOT also requires that the City establish a contingency account to pay for any project costs determined to be Federal Aid non-participating such as tree relocation and tree removal mitigation in an amount not to exceed \$350,000.00; and

WHEREAS, a portion of funding, \$140,000.00, has been provided via Resolution No. R-2020-236, which continued the appropriation for previously approved capital projects from FY 2020 to FY 2021, and is available in account number 334.149901.54100.563010.001270.000.000; and

WHEREAS, additional funding of \$210,000.00 will be budgeted in subsequent fiscal year's FY 2022 Capital Improvement Plan subject to approval and adoption by the City Commission; and

WHEREAS, contracting with FDOT for the required sidewalk and bicycle lane improvements requires a 5/7ths vote of the City Commission pursuant to Section 38.41(C)(9) of the Procurement Code, as competitive bidding and competitive proposals for the contractual services is not in the best interest of the City.

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 Highway Maintenance Memorandum of Agreement with the Florida Department of Transportation, together with such non-material changes as may subsequently be agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: 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.

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DOUGLAS R. GONZALES, CITY ATTORNEY