# CITY ATTORNEY OFFICE - LEGAL REVIEW CHECKLIST

Name of Agreement: City ROW agreement for underground conversions with FPL
Department: ESD
Contact person: Missie Barletto

City Manager approval ☐

City Commission approval ☑
Agenda item #:
Agenda meeting date:

Agreement Action:

| New ◉ | Renewal* ○ | Amendment* ○ | *Renewal: Only change is the agreement term<br>*Amendment: For changes other than/in addition to term |
|---|---|---|---|

Has the agreement been signed and notarized/witnessed by the vendor: Yes ☐ No ☐

For City Attorney Use only:

| **Agreement Terms:** | **Comments/Specific Provision in Agreement** |
|---|---|
| Term (Duration of Agreement) | As long as FPL facilities are underground |
| Termination Clause | |
| Renewal Clause | |
| Insurance | City standard |
| Indemnification | City standard |
| Assignment | Sec 11 |
| Non-Discrimination Policy | |
| Inspector General Provision | |
| FL. Public Records Provision (2016) | |
| Governing Law | Florida |
| Venue | Palm Beach County |
| Attorney's fees | Sec 10 |
| Waiver of Jury trial | Sec 9 |

| **Business Principles:** | **Comments** |
|---|---|
| Fees: Total Value | |
| Fees: Per Fiscal Year | |

| **Other Issues:** | **Comments** |
|---|---|
| Non-Negotiable Issues/<br>Miscellaneous Issues/<br>Special Considerations | Agreement with FPL to move FPL utilities into City Right of Way. Developer of adjacent site shall pay for and install utilities under separate undergrounding agreement with City. Agreement sent to FPL for signature then recorded. |

Consistent with applicable policies including, but not limited to, Procurement policies. Yes ☑

Attorney: Janice Rustin, Esq.
Reviewed and approved as to form and legal sufficiency only

*Version 3. May 25, 2017*