

RESOLUTION NO. 45-18

A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN AGREEMENT WITH DELRAY BEACH 4TH & 5TH AVENUE LLC FOR LANDSCAPE MAINTENANCE; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach (City) is authorized to enter into agreements to provide services, programming and products in accordance with its Charter; and

WHEREAS, on January 20, 2017, the Site Plan Review and Appearance Board (SPRAB) approved a Landscape Plan for the Martini property associated with Fourth and Fifth Delray (iPic Movie Theater), project, which required the developer to maintain the landscaping material in the right-of-way of S.E. 4<sup>th</sup> Avenue; and

WHEREAS, the City desires to enter into an agreement with 4<sup>th</sup> & 5<sup>th</sup> Avenue LLC for landscape maintenance.

WHEREAS, the City Commission deems approval of this resolution to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission of the City of Delray Beach has reviewed and hereby approves this Agreement between the City and 4<sup>th</sup> & 5<sup>th</sup> Avenue LLC which is attached to this Resolution as Exhibit A.

Section 3. The City Commission authorizes the City Manager to take all other actions necessary to effectuate this Agreement.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED in regular session on the \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
M A Y O R

\_\_\_\_\_  
Katerri Johnson, City Clerk

Approved as to form and legal sufficiency:

\_\_\_\_\_  
R. Max Lohman, City Attorney