



## Legislation Details (With Text)

**File #:** 19-160      **Version:** 1      **Name:**

**Type:** Contract      **Status:** Passed

**File created:** 2/4/2019      **In control:** City Commission

**On agenda:** 3/12/2019      **Final action:** 3/12/2019

**Title:** APPROVAL OF AMENDMENT NO.10 TO THE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Legal Review Form Amend No 10 to FDOT Landscape Memo of Agreement.pdf, 3. Landscape MMOA Amendment #10 (Permit #2018-L-496-00018).pdf, 4. Delray Incl. MMOA-Exec 8.31.12..pdf

Date	Ver.	Action By	Action	Result
3/12/2019	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Susan Goebel-Canning, Public Works Director  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** March 12, 2019

APPROVAL OF AMENDMENT NO.10 TO THE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION

### **Recommended Action:**

Motion to approve Amendment No. 10 to the Maintenance Memorandum of Agreement (MMOA) with the Florida Department of Transportation (FDOT).

### **Background:**

On August 31, 2012, FDOT and City of Delray Beach (City) entered into an agreement for the maintenance and modification of certain landscape improvements within the right-of-way of State Roads. Each subsequent amendment reaffirms the original agreement and acknowledges any new improvements.

Amendment No. 10 is for new landscape and irrigation improvements, within FDOT right-of-way as required by the developers permit, pursuant to the City's Land Development Regulations. This MMOA is specifically for improvements adjacent to a new mixed development referred to as Samar located on State Road 5 (a.k.a. Federal Highway/US 1) from S.E. 3<sup>rd</sup> Street North bound to S.E. 2<sup>nd</sup> Street.

### **City Attorney Review:**

Approved as to form and legal sufficiency.

### **Funding Source/Financial Impact:**

Initial improvements will be performed at the developer's expense. Future maintenance of this

landscaping will be included within Right of Way Maintenance routine operations activities on Federal Highway.

**Timing of Request:**

This issue is very time sensitive. Fully executed MMOA agreements are required by FDOT before the installation of any improvements.