



## Legislation Text

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File #: 18-062, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Missie Barletto, Deputy Director Program and Project Management, Public Works Department  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** February 6, 2018

ACCEPTANCE OF A HOLD HARMLESS AGREEMENT WITH EDWARDS ATLANTIC AVENUE, LLC FOR ATLANTIC CROSSING FOR WORK PERFORMED WITHIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY.

**Recommended Action:**

Motion to consider acceptance of a Hold Harmless Agreement for work performed by Atlantic Crossing in Florida Department of Transportation (FDOT) right-of-way.

**Background:**

Consider acceptance of a Hold Harmless Agreement for work performed by Atlantic Crossing in FDOT's right-of-way.

Atlantic Crossing is located between NE 6th Avenue and Veterans Park and between East Atlantic Avenue and NE 1st Street. The proposed development located between NE 6<sup>th</sup> and 7<sup>th</sup> Avenues on the north side of East Atlantic Avenue has necessitated the relocation of all public and private utilities out of the north-south alley. This north-south alley has been vacated and is now privately owned.

The City has an existing electrical panel located on the west side of said alley that has to be relocated. This panel powers the street and traffic lights from the Intracoastal to NE 6<sup>th</sup> Avenue along East Atlantic Avenue. The electrical panel will be relocated to the south side of East Atlantic Avenue, in the same alley at the developer's expense.

Proposed relocation will include electrical conduits being installed via directional bore across East Atlantic Avenue. This section of East Atlantic Avenue is a State / FDOT right-of-way, as result, a permit from FDOT is required. Since the City will own and maintain the electrical conduits, FDOT requires that the City sign the FDOT utility permit application. The Hold Harmless Agreement provides the City with a one year warranty for all work completed within FDOT right-of-way by Developer.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Timing of request is very important. Developer wishes to relocate electric panel as soon as possible in order to continue with project development.