

RESOLUTION NO. 2017-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AUTHORIZING AND REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") TO ENTER CERTAIN PROPERTY OWNED BY BROWARD COUNTY ("COUNTY") TO DESIGN AND CONSTRUCT THE WAVE STREETCAR PROJECT; APPROVING THE MAINTENANCE MEMORANDUM OF AGREEMENT RELATED TO PORTIONS OF THE WAVE STREETCAR PROJECT LOCATED ON FDOT PROPERTY AND THE WAVE MEMORANDUM AGREEMENT RELATED TO PORTIONS OF THE WAVE STREETCAR PROJECT ON COUNTY PROPERTY; AUTHORIZING THE MAYOR TO EXECUTE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation ("FDOT") and Broward County ("County") are parties to the Wave Project Agreement dated June 14, 2016 (the "Project Agreement"), regarding the funding, design, construction, operation, and maintenance of the 2.8 mile modern streetcar known as The Wave Streetcar (the "Project"); and

WHEREAS, pursuant to the Project Agreement, FDOT will design and construct the Project, and the County will operate and maintain the Project; and

WHEREAS, for the purposes of construction and design on the Project, FDOT and its contractors will have to enter onto those rights-of-way or other real property owned by the County on which the Project will be constructed ("County Real Property"); and

WHEREAS, certain portions of the Project will be constructed on rights-of-way or other real property owned by FDOT ("FDOT Real Property"); and

WHEREAS, the County desires to authorize FDOT and its contractors access to County Real Property for the purposes of construction and design on the Project; and

1 WHEREAS, the County desires to enter into the Wave Memorandum of Agreement
2 to provide FDOT and its contractor(s) all rights necessary to enter onto the County Real
3 Property and all approvals of the County necessary to perform the work required to design
4 and construct the Project; and

5 WHEREAS, the County desires to enter into the Maintenance Memorandum of
6 Agreement with FDOT, permitting the County to operate and maintain those portions of
7 the Project that occupy FDOT Real Property, NOW, THEREFORE,

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9 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
10 BROWARD COUNTY, FLORIDA:

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12 Section 1. FDOT is authorized and requested to enter onto the County Real
13 Property to design and construct the Project.

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15 Section 2. The Board authorizes the Mayor to sign the Wave Memorandum of
16 Agreement as approved by the Office of the County Attorney to provide FDOT and its
17 contractor(s) all rights necessary to enter onto the County Real Property and all approvals
18 of the County necessary to perform the work required to design and construct the Project.

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20 Section 3. The Board authorizes the Mayor to sign the Maintenance
21 Memorandum of Agreement with FDOT as approved by the Office of the County Attorney,
22 permitting the County to operate and maintain those portions of the Project that occupy
23 FDOT Real Property.

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Section 4. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

ADOPTED this _____ day of _____, 2017.

Approved as to form and legal sufficiency:
Joni Armstrong Coffey, County Attorney

By /s/ Annika E. Ashton 06/08/2017
Annika E. Ashton (date)
Assistant County Attorney

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