

**RESOLUTION NO. 2018-182**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INDEMNIFICATION AGREEMENT BETWEEN THE CITY AND LEDER HILLSBORO, LLC, PROVIDING FOR INDEMNIFICATION OF THE CITY AS THE PERMITTEE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) UTILITY PERMIT ISSUED FOR CONSTRUCTION OF TWO WATER CONNECTIONS TO THE LEDER HILLSBORO DEVELOPMENT PROJECT; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Leder Hillsboro, LLC (“Owner”) plans to develop a pet lodge and a self-storage facility on the properties located at 4171, 4181, and 4191 West Hillsboro Boulevard, Coconut Creek, FL 33073; and

**WHEREAS**, the City will provide water services to the properties, which will require two connections to the City’s existing water main on Hillsboro Boulevard; and

**WHEREAS**, the water connections to be constructed by the Owner are located within Florida Department of Transportation (FDOT) right-of-way and a utility permit is required; and

**WHEREAS**, FDOT will issue a utility permit in the name of the City since the City is the utility’s owner; and

**WHEREAS**, the attached Indemnification Agreement has been executed by Leder Hillsboro, LLC to address any concerns about potential liability that the City might incur as the permittee until the construction of the water connections is completed by the Owner and title to those utility facilities is transferred to and accepted by the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution. All Exhibits attached hereto are incorporated herein and made a specific part of this Resolution.

**Section 2:** That the City Commission has reviewed and hereby approves the attached Indemnification Agreement between the City of Coconut Creek and Leder Hillsboro, LLC to provide the City indemnification as the permittee of the FDOT utility permit issued for the construction of two water connections to the Leder Hillsboro development project.

**Section 3:** That the City Manager, or designee, is hereby authorized to execute the attached Indemnification Agreement between the City of Coconut Creek and Leder Hillsboro, LLC.

**Section 4:** That the City Clerk is hereby directed to record the Indemnification Agreement, attached hereto and made a part hereof, in the Public Records Books of Broward County, Florida.

**Section 5:** That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this Resolution.

**Section 6:** That this Resolution shall be in full force and effect immediately upon its adoption.

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018**

\_\_\_\_\_  
Joshua Rydell, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

Rydell \_\_\_\_\_

Welch \_\_\_\_\_

Tooley \_\_\_\_\_

Sarbone \_\_\_\_\_

Belvedere \_\_\_\_\_