



Legislation Details (With Text)

File #: RES 2018-182 **Name:** Leder Hillsboro, LLC - Indemnification Agreement

Type: Resolution **Status:** Passed

File created: 8/15/2018 **In control:** City Commission

On agenda: 10/25/2018 **Final action:** 10/25/2018

Title: A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INDEMNIFICATION AGREEMENT WITH LEDER HILLSBORO, LLC, PROVIDING THE CITY INDEMNIFICATION 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.

Sponsors: Utilities and Engineering

Indexes: Agreement, FDOT, Resolution, Utilities and Engineering, Water and Wastewater

Code sections:

Attachments: 1. RESOLUTION 2018-182-Leder Hillsboro Indemnification Agrmt, 2. AGREEMENT-Leder Hillsboro Indemnification, 3. MAP-Project Location-Leder Hillsboro

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------|--------|--------|
| 10/25/2018 | 1 | City Commission | | |

AGENDA ITEM REPORT

TITLE:

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AN INDEMNIFICATION AGREEMENT WITH LEDER HILLSBORO, LLC, PROVIDING THE CITY INDEMNIFICATION 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.

BACKGROUND:

Leder Hillsboro, LLC plans to develop a pet lodge and a self-storage facility on the properties located at 4171, 4181, and 4191 West Hillsboro Boulevard. In order for the City to provide water services to the development, the owner, Leder Hillsboro, LLC, will have to construct, at their expense, two water connections to the existing 8-inch water main on Hillsboro Boulevard. The City’s existing water main is located in the Florida Department of Transportation’s (FDOT) right-of-way and a utility permit is required by FDOT for the proposed connections. FDOT requires the utility provider, the City, to be the permittee on the utility permit application.

DISCUSSION:

The City will provide water services to the Leder Hillsboro Development Project. In order for the Owner to connect to the City’s existing water main, FDOT will have to issue a utility permit with the City as the applicant since the City is the utility’s owner. The City will execute an Indemnification

Agreement to eliminate any potential liability that the City might incur as the permittee until the construction is completed by the Owner and the title to those utility facilities is transferred to and accepted by the City.

In the Agreement, the Owner agrees to be responsible for compliance with the FDOT utility permit and other applicable regulations during the construction phase, until the ownership of the utility facilities are formally transferred to the City. In addition, the Owner agrees to indemnify and hold the City harmless from and against all costs, losses, claims, demands, and liabilities that might arise as a result of the construction of the water connections.

RECOMMENDATION:

Staff recommends approval of this Resolution.

FISCAL IMPACT: N/A