

RESOLUTION
NO. 2021-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PENSACOLA AUTHORIZING A LANDSCAPE
CONSTRUCTION AND MAINTENANCE MEMORANDUM
OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF
TRANSPORTATION IN SUPPORT OF THE LANDSCAPE
PLAN FOR PALMILLA APARTMENTS, LLC

WHEREAS, PALMILLA RESIDENCES, LLC has sought a permit from the Florida Department of Transportation to beautify and enhance the right-of-way located on West Garden Street adjacent to apartment buildings being constructed immediately south of West Garden Street and west of South Coyle Street, more particularly described in the attached Landscape Development Plan; and

WHEREAS, the City Council of the City of Pensacola has an interest in constructing landscape improvements within the Garden Street corridor to support revitalization in accordance with the City's adopted Urban Core Community Redevelopment Area Plan; and

WHEREAS, PALMILLA RESIDENCES, LLC, agrees to hold the City of Pensacola harmless for all of the costs associated with maintaining the landscaping plan submitted to the Florida Department of Transportation, along the state right-of-way on West Garden Street west of the intersection with South Coyle Street for a distance of one-hundred fifty (150) feet, more or less; and

WHEREAS, consistent with the maintenance note on page L1.3 of the application submitted, the landscape material (hardscape and vegetation) proposed to be installed shall be the responsibility of the owner of that certain property more particularly described at Book 8624, Page 878, of the Official Records of Escambia County, and having the Parcel Identification Number 000S009080001057, with such responsibility being transferable and running with the land in accordance with Florida law; and

WHEREAS, the Florida Department of Transportation requires a resolution from the City of Pensacola in support of the application from a private party seeking to improve state right-of-way and entering into a Memorandum of Agreement concerning the maintenance of such improvements; and

WHEREAS, in order that these improvements may be constructed on the state right-of-way, the City Council of the City of Pensacola authorizes PALMILLA RESIDENCES, LLC to apply for and accept a permit from the Florida Department of Transportation for the landscape plan application designated as 2021-L-395-00003, which includes irrigation, brick pavers, trees, shrubs, and groundcover plants on the condition that PALMILLA RESIDENCES, LLC will enter into a Memorandum of Agreement with the City to meet the responsibilities to be outlined in the maintenance agreement FDOT will present upon approval of this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA THAT:

SECTION 1. The City Council of the City of Pensacola hereby authorizes PALMILLA RESIDENCES, LLC, to apply for that certain landscape permit designated 2021-L-395-00003 from the Florida Department of Transportation, and if awarded, to accept the permit and construct the improvements planned in that permit application, on the condition that PALMILLA RESIDENCES, LLC, enter into a Memorandum of Agreement with the City of Pensacola memorializing the terms found in this resolution and in compliance with the terms found in the Landscape Construction and Maintenance Memorandum of Agreement required of the City by the Florida Department of Transportation for this purpose.

SECTION 2. The City Council of the City of Pensacola authorizes the Mayor to take all actions necessary to effectuate the provisions of this Resolution.

SECTION 3. The City Clerk of the City of Pensacola is hereby directed to send copies of this Resolution to the City of Pensacola Community Redevelopment Agency to attach to its application package for submission to the Florida Department of Transportation and all other persons as directed by the City Council.

SECTION 4. This Resolution shall take effect upon the fifth day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola, Florida.

Adopted: _____

Approved: _____
President of City Council

ATTEST:

City Clerk