

22 DEC -8 PM 5:28



**City Attorney's Communication #2023-238**

December 8, 2022

**TO:** Brian Donovan, Assistant City Manager

**FROM:** Mark E. Berman, City Attorney

**RE:** Ordinance – Assignment and Assumption Consent Agreement

As requested in your memorandum dated December 8, 2022, the above-referenced Agreement has been prepared and is attached at this time along with the appropriate Ordinance captioned as follows:

**AN ORDINANCE OF THE CITY COMMISSION OF THE  
CITY OF POMPANO BEACH, FLORIDA, APPROVING  
AND AUTHORIZING THE PROPER CITY OFFICIALS TO  
EXECUTE AN ASSIGNMENT AND ASSUMPTION  
CONSENT AGREEMENT AMONG THE CITY OF  
POMPANO BEACH, ECKLER ENGINEERING, INC., AS  
ASSIGNOR, AND CHA CONSULTING, INC., AS ASSIGNEE;  
PROVIDING FOR SEVERABILITY; PROVIDING AN  
EFFECTIVE DATE.**

Please ensure that you attach Exhibit A to the agreement prior to presenting the ordinance to the City Commission.



MARK E. BERMAN

A handwritten signature in blue ink, appearing to read "MARK E. BERMAN", is written over a blue ink line. Below the line, the name "MARK E. BERMAN" is printed in a black, sans-serif font.

/jrm  
l:cor/mgr/acm/2023-238

Attachment

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSIGNMENT AND ASSUMPTION CONSENT AGREEMENT AMONG THE CITY OF POMPANO BEACH, ECKLER ENGINEERING, INC., AS ASSIGNOR, AND CHA CONSULTING, INC., AS ASSIGNEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That an Assignment and Assumption Consent Agreement among the City of Pompano Beach, Eckler Engineering, Inc. and CHA Consulting, Inc., a copy of which agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

**SECTION 2.** That the proper officials are hereby authorized to execute said Assignment and Assumption Consent Agreement indicating the City's approval and consent.

**SECTION 3.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 4.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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**REX HARDIN, MAYOR**

**ATTEST:**

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**ALFRED KERVIN, CITY CLERK**

/jrm  
12/8/22  
L:ord/2023-61