

TAB 12



City of Palmetto Agenda Item

Meeting Date

12/7/09

Presenter: Allen R. Tusing, Director

Department: Public Works

Title:

RESOLUTION NO. 09-52
RESURFACING PROJECT: HABEN BOULEVARD FROM US 301 TO US 41
COP JOB #09- 617

TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT

Recently, the Public Works Department was awarded stimulus money thru the American Recovery and Reinvestment Act (ARRA) of 2009 in the amount of \$800,000 to resurface Haben Boulevard from US 301 to US 41. The resurfacing project would improvement traffic movement and provide for a safer roadway. The length of the project is approximately 5,280 linear feet.

FDOT has agreeded to design and bid this project and the City has agreeded to maintain the roadway once the resurfacing was completed in accordance with federally accepted state standards.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/ Direction Requested: Authorize the May to execute the maintenance agreement with the Florida Department of Transportation (FDOT).

Staff Contact: Allen R. Tusing, Director

Attachments:

TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT

RESOLUTION 09- 52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION OF A TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT TO PROVIDE FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PARTICIPATION IN THE RESURFACING OF HABEN BOULEVARD FROM US 301 TO US 41.

WHEREAS, the City of Palmetto and the Florida Department of Transportation have the authority to enter into Transportation Post Project Maintenance Agreement to undertake transportation system projects; and

WHEREAS, the City of Palmetto now desires to enter into such a Transportation Post Project Maintenance Agreement regarding the Department's participation in the resurfacing project along Haben Boulevard from US 301 to US 41 in Manatee County.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palmetto, Florida:

SECTION 1. The Transportation Post Project Maintenance Agreement for FPID No. 426727-2-52/62-01 relating to the Department's participation in the City's Resurfacing Project along Haben Boulevard from US 301 to US 41.

SECTION 2. The Mayor of the City of Palmetto is authorized to execute the above referenced Transportation Post Project Maintenance Agreement with the Florida Department of Transportation, as well as any other documents necessary to finalize said Agreement.

PASSED AND DULY ADOPTED, in regular session, by the City Commission of the City of Palmetto, with a quorum present and voting, this 7th day of December, 2009.

**CITY OF PALMETTO, FLORIDA BY AND
THROUGH THE CITY COMMISSION OF
THE CITY OF PALMETTO**

BY: _____
Shirley Groover Bryant, Mayor

ATTEST:

James R. Freeman, City Clerk

**TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT
BETWEEN
FLORIDA DEPARTMENT OF TRANSPORTATION
AND
CITY OF PALMETTO**

This is an Agreement, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT," and CITY OF PALMETTO, hereinafter referred to as "LOCAL AGENCY" for the maintenance of post-project transportation enhancements described below.

WITNESSETH

1. WHEREAS, pursuant to the American Recovery and Reinvestment Act of 2009, the DEPARTMENT is authorized to undertake a project within the LOCAL GOVERNMENT geographical limits; and
2. WHEREAS, said project is identified and known to the parties as Financial Project # 426727 2 52/62 01, which will benefit the LOCAL AGENCY; and
3. WHEREAS, in accordance with Title 23, U.S. Code, Section 116 and Federal Highway Administration regulations issued pursuant thereto, there must be an agreement from the LOCAL GOVERNMENT to maintain the project; and

WHEREAS, the LOCAL GOVERNMENT by Resolution No. _____, dated _____, a copy of which is attached hereto and made a part hereof, has consented to and approved the Agreement and has authorized its MAYOR to execute said Agreement.

NOW, THEREFORE, in consideration of the premises, the parties agree as follows:

1. The DEPARTMENT has undertaken the project and obtained approval for federal participation in resurfacing of Haben Blvd from US 301 to US 41.
2. It is understood and agreed by the parties that upon completion of the project, the LOCAL AGENCY shall be responsible, at its costs, for maintenance of said project in accordance with the following federally accepted state standards: (a) Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (2005), as amended; (b) FDOT Procedures 850-065-001 and 850-065-002, as amended.

3. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understanding concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written.
4. When either party receives notice of claim for damages that may have been caused by the other party in the performance of services required under this Agreement, that party will immediately forward the claim to the other party. Each party will evaluate the claim, and report its findings to each other within fourteen (14) working days and jointly discuss options in defending the claim. A party's failure to promptly notify the other of a claim will not act as a waiver of any right herein.
5. This Agreement shall be governed, interpreted and construed according to the laws of the State of Florida.

Rest of this page intentionally left blank.

IN WITNESS WHEREOF, the CITY OF PALMETTO has caused this AGREEMENT to be executed in its behalf through its MAYOR or designee, and the DEPARTMENT has caused this AGREEMENT to be executed in its behalf through its District Secretary for District One, FLORIDA DEPARTMENT OF TRANSPORTATION as indicated below. This AGREEMENT shall become effective on:

Department to enter date.

CITY OF PALMETTO

ATTEST

BY: _____

BY: _____
MAYOR

PRINT NAME

PRINT NAME

TITLE

DATE

TITLE

DATE

CITY OF PALMETTO LEGAL REVIEW:

BY: _____

DATE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST

BY: _____

BY: _____

PRINT NAME

PRINT NAME

TITLE

DATE

TITLE

DATE

PROJECT MANAGER APPROVED:

FLA. DEPT. OF TRANS. LEGAL REVIEW:

BY: _____

BY: _____