

RESOLUTION 2009-06

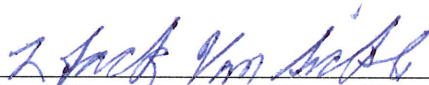
A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AGREEMENT FPID #426639 1 52/62 01 BETWEEN THE CITY OF LAKE WALES AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF POST-PROJECT TRANSPORTATION ENHANCEMENTS.

WHEREAS, the City of Lake Wales and the State of Florida Department of Transportation hereto mutually recognize the need for entering into an agreement regarding maintenance of a certain path to be constructed from State Road 17 to Fourth Street in the City of Lake Wales.,

NOW THEREFORE BE IT RESOLVED by the City Commission of Lake Wales, that:

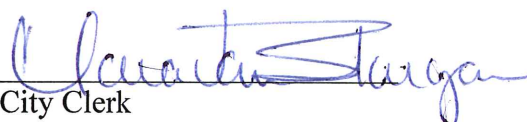
1. The City Commission approves that certain agreement FPID #426639 1 52/62 01 between the City of Lake Wales and the State of Florida Department of Transportation.
2. The Mayor is hereby authorized to execute the above-referenced Maintenance Agreement.

THIS RESOLUTION INTRODUCED AND PASSED by the City of Commission of the City of Lake Wales, Polk County, Florida at its regular meeting on June 2, 2009.



Mayor/Commissioner, City of Lake Wales

ATTEST:



City Clerk

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

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

W I T N E S S E T H

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 # 426639 1 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
4. WHEREAS, the LOCAL GOVERNMENT by Resolution No. 2009-06 dated June 2, 2009, a copy of which is attached hereto and made a part hereof, has consented to and approved the Agreement and has authorized its Mayor or designee 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 for Lake Wales Trail from SR 17 to 4th Street.
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. This Agreement shall be governed, interpreted and construed according to the laws of the State of Florida.

IN WITNESS WHEREOF, the CITY OF LAKE WALES 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.

June 10, 2009

CITY OF LAKE WALES

ATTEST

BY:

Clara VanBlangen

BY:

L. Jack Van Sickle

MAYOR OR DESIGNEE

Clara VanBlangen

PRINT NAME

L. Jack Van Sickle

PRINT NAME

City Clerk 6-2-2009

TITLE

DATE

6-2-2009

DATE

CITY OF LAKE WALES LEGAL REVIEW:

BY:

[Signature]

DATE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST

BY:

Geraldyn McCants

Geraldyn McCants

PRINT NAME

Administrative Assistant 6/10/09

TITLE

DATE

BY:

Dick Combs

Dick Combs

PRINT NAME

Director of Transportation Development 6/10/09

TITLE

DATE

PROJECT MANAGER APPROVED:

BY:

ACER

AMY BLAIR 6/9/09

FLA. DEPT. OF TRANS. LEGAL REVIEW:

BY:

B. Ahjani Girwarr 060909



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

P.O. Box 1030
Fort Myers, Florida 33902

STEPHANIE C. KOPELOUSOS
SECRETARY

June 12, 2009

Ms. Jennifer Nanek
Grants Administrator/Administrative Assistant
City of Lake Wales
P.O. Box 1320
Lake Wales, FL 33859-1320


RE: Executed Transportation Post Project Maintenance Agreement
Financial Project No.: 426639 1 52/62 01
Description: Lake Wales Trail from SR 17 to 4th Street.

Dear Ms. Nanek:

Enclosed for your files is one (1) copy of the executed Maintenance Agreement on the above referenced project.

Should you have any questions, please feel free to contact me at (239) 461-4300.

Sincerely,


Karen A. Miracola
District LFA/JPA Coordinator

Cc: Amy E. Blair, Project Manager, MS 1-8
Lori D. Carlton, Community Liaison, MS 1-36