

MEMORANDUM

October 1, 2014

TO: Honorable Mayor and City Commission
VIA: Kenneth Fields, City Manager
FROM: Jennifer Nanek, Special Projects Manager
RE: Resolution 2014-12, FDOT Project Maintenance Agreement – Safe Routes to Schools Project

SYNOPSIS: Resolution 2014-12 approves the FDOT Project Maintenance Agreement where the City will agree to maintain the new sidewalks that will be constructed by FDOT as part of a Safe Routes to School Grant Award.

RECOMMENDATION

The recommendation of the City Commission is to take the following action:

1. Adopt Resolution 2014-12, Florida Department of Transportation Maintenance Agreement of new sidewalks on 2nd and 3rd Streets between SR 60 and 1st Street.
2. Authorize the City Manager to sign the agreement.

BACKGROUND

In 2011, the City applied for and received a grant from the Florida Department of Transportation a Safe Routes to School grant to install sidewalks on 2nd and 3rd Streets from SR HWY 60 and 1st Street near Polk Avenue Elementary School. This allows students to walk to school more safely.

The maintenance agreement requires that the FDOT will construct the sidewalks and that the City maintain the new sidewalks once they are installed.

OTHER OPTIONS

Do not approve the agreement

FISCAL IMPACT

There is no additional fiscal impact as this area is currently maintained by the city.

ATTACHMENTS

Resolution 2014-12
Project Maintenance Agreement

RESOLUTION 2014-12

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BETWEEN THE CITY OF LAKE WALES AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION INCLUDING ANY AMENDMENT THERETO FOR THE MAINTENANCE OF NEWLY INSTALLED SIDEWALKS AND OTHER IMPROVEMENTS.

WHEREAS, the City of Lake Wales and the State of Florida Department of Transportation hereto mutually recognize the need for entering into an Agreement pursuant to 339.2818 Florida Statutes, designating and setting forth the responsibilities of each party in regards to maintenance of certain new sidewalks and other improvements within the boundaries of the city.

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

1. The City Commission approves entering into a Maintenance Agreement with the State of Florida Department of Transportation which Agreement is designated as Financial Project #430915-1-32/52/62-01 for maintenance of new sidewalks and improvements in accordance with the following federally accepted state standards: (a) Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (2011), as amended.
2. The Mayor is hereby authorized to execute the above referenced Maintenance Agreement on behalf of the City of Lake Wales.

THIS RESOLUTION INTRODUCED AND PASSED by the City Commission of the City of Lake Wales, Polk County, Florida at its regular meeting on October 7, 2014.

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, the "DEPARTMENT") and the CITY OF LAKE WALES (hereinafter, "LOCAL AGENCY") for the maintenance of Small County Outreach Program post project described below.

W I T N E S S E T H

1. WHEREAS, said project is identified and known to the parties as Financial Project #430915-1-32/52/62-01, which will benefit the LOCAL AGENCY; and
2. WHEREAS, in accordance with 339.2818 Florida Statutes regulations issued pursuant thereto, there must be an agreement from the LOCAL AGENCY to maintain the project; and
3. WHEREAS, the LOCAL AGENCY 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 Chairman 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 state participation to provide:

5' wide concrete sidewalk and miscellaneous improvements along the east side of 2nd Street from SR 60 to Polk Avenue, along the east side of 3rd Street from SR 60 to Polk Avenue and along the west side of 3rd Street from Steedly Ave to Polk Avenue. The project includes signing, crosswalk and school pavement markings.
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 (2011), 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, CITY OF LAKE WALES has caused this Agreement to be executed in its behalf through its Chairman or designee, and THE FLORIDA DEPARTMENT OF TRANSPORTATION has caused this Agreement to be executed in its behalf through its District Secretary for District One, as indicated below. This Agreement shall become effective on:

_____ Department to enter date.

CITY OF LAKE WALES, FLORIDA

ATTEST

BY: _____

BY: _____
CHAIRMAN OR DESIGNEE

PRINT NAME

PRINT NAME

TITLE DATE

DATE

CITY OF LAKE WALES LEGAL REVIEW:

BY: _____
DATE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST

BY: _____

BY: _____
DISTRICT ONE SECRETARY
OR DESIGNEE

PRINT NAME

PRINT NAME

TITLE DATE

TITLE DATE

PROJECT MANAGER APPROVED:

FLA. DEPT. OF TRANS. LEGAL REVIEW:

BY: _____

BY: _____