

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

This is an Agreement, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter, the "DEPARTMENT") and the City of Naples (hereinafter, "LOCAL AGENCY") for the maintenance of Small County Outreach Program post project described below.

WITNESSETH

1. WHEREAS, said project is identified and known to the parties as Financial Project #430869-1-32/52/62-01, 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. 14-13570 dated 12/3/14, 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:
Sidewalks and Ramps for the Gordon River Bridge Pedestrian underpass located at US 41 (SR90). Project also includes four (4) decorative LED lights on the bridge parapet walls, four (4) LED lights adjacent to the ramps, two (2) illuminated signs located at the entrance to the ramps and two (2) pedestrian signs installed at the north and south entrance. Class 5 coating will be applied and will need to be maintained as well as all decorative and FDOT railing.
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 understandings 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 Naples 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. 01/13/2015

CITY OF NAPLES, FLORIDA

ATTEST

BY: Patricia L. Rambosk

BY: [Signature]
CHAIRMAN OR DESIGNEE

Patricia L. Rambosk
PRINT NAME

PRINT NAME

City Clerk 12/23/14
TITLE DATE

DATE

CITY OF NAPLES LEGAL REVIEW:

BY: Rolt D. Pratt
DATE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST

BY: Geraldine McCants

BY: [Signature]
DISTRICT ONE SECRETARY
OR DESIGNEE

Geraldine McCants
PRINT NAME

CHATS Smith
PRINT NAME

Administrative Assistant 1/13/15
TITLE DATE

Director of Transportation Development 1/13/15
TITLE DATE

FLA. DEPT. OF TRANS. LEGAL REVIEW: 1/27/15

BY: [Signature]

**Agenda Item 13
Meeting of 12/3/14****RESOLUTION 14-13570**

A RESOLUTION APPROVING A TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES, FOR THE MAINTENANCE OF THE GORDON RIVER PEDESTRIAN UNDERPASS PROJECT, UPON COMPLETION OF THE IMPROVEMENTS BY THE FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the priorities established by the Metropolitan Planning Organization (MPO) and funded priorities set forth in the Florida Department of Transportation's (FDOT) Five Year Work Plan, FDOT and the City of Naples are required to enter into a Transportation Post Project Maintenance Agreement for the Maintenance of the Gordon River Pedestrian Underpass Project identified as FDOT Project FM# 430869-1-32/52/62-01 upon completion of the improvements by the FDOT; and

WHEREAS, as part of FDOT Project FM# 430869-1-32/52/62-01, FDOT has designed and is scheduled to construct the following improvements to the Gordon River Pedestrian Underpass: sidewalks and ramps with handrails, decorative LED lights on parapet walls, LED lights adjacent to the ramps, illuminated signs located at the entrance to the ramps and pedestrian signs installed at the north and south entrance; and

WHEREAS, the Transportation Post Project Maintenance Agreement for the above referenced Gordon River Pedestrian Underpass Project has been prepared by the FDOT, reviewed by City staff, and recommended for approval as being in the best interest of the City of Naples;

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

Section 1. That the Transportation Post Project Maintenance Agreement between the Florida Department of Transportation and the City of Naples, for the maintenance of the Gordon River Pedestrian Underpass Project upon completion of the improvements stated above by the Florida Department of Transportation, identified as FDOT Project FPID# 430869-1-32/52/62-01, is hereby approved, a copy of which is on file in the City Clerk's Office.

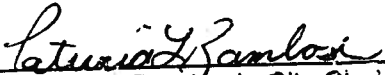
Section 2. That the Mayor is hereby authorized to execute the Transportation Post Project Maintenance Agreement.

Section 3. That this Resolution shall take effect immediately upon adoption.


Resolution 14-13570

PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 3RD DAY OF DECEMBER, 2014.

Attest:



Patricia L. Ramtlosk, City Clerk



John F. Sorey III, Mayor

Approved as to form and legality:



Robert D. Fritt, City Attorney

M:\REF\COUNCIL\RES\2014\14-13570

Date filed with City Clerk: 12-4-14