

**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 CITY OF NAPLES (hereinafter, "LOCAL AGENCY") for the maintenance of post-project transportation enhancements described below.

**WITNESSETH**

1. WHEREAS, pursuant to Fla. Stat. §339.08, and Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), the DEPARTMENT is authorized to undertake a project within the LOCAL AGENCY geographical limits; and
2. WHEREAS, said project is identified and known to the parties as Financial Project # **430877 1 52 01**, FAP # **8886 453A**, 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 AGENCY to maintain the project; and
4. WHEREAS, the LOCAL AGENCY by Resolution No. 15-13599, dated 02/17/15, 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 on the sidewalk construction at the following location:
  - The west side of Gulf Shore from 12<sup>th</sup> Ave to 18<sup>th</sup> Ave and the beach connector between Gordon and Gulf Shore.
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 (2012), as amended and as to any future amendments and/or updates to said Manual.
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 NAPLES has caused this Agreement to be executed in its behalf through its Mayor 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. April 3, 2015

**CITY OF NAPLES, FLORIDA**

ATTEST

BY: Patricia L. Rambask

BY: John F. Sorey III  
MAYOR, OR DESIGNEE

Patricia L. Rambask  
PRINT NAME

John F. Sorey III  
PRINT NAME

City Clerk 3/19/15  
TITLE DATE

3/19/15  
DATE

CITY OF NAPLES LEGAL REVIEW:

BY: Robert D. Pirtt  
DATE

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

ATTEST

BY: Geraldine McCants

BY: Chris Smith  
DISTRICT ONE SECRETARY  
OR DESIGNEE

Geraldine McCants  
PRINT NAME

Chris Smith  
PRINT NAME

Administrative Assistant 4/7/15  
TITLE DATE

Director of Transportation Development 4/3/15  
TITLE DATE

FLA. DEPT. OF TRANS. LEGAL REVIEW:

BY: Kristen Carlson

**Agenda Item 9  
Special Meeting of 02/17/15**

**RESOLUTION 15-13599**

**A RESOLUTION APPROVING A TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES RELATING TO THE GULF SHORE BOULEVARD SOUTH SIDEWALK PROJECT (REFERENCE: FPID 430877); AUTHORIZING THE MAYOR TO EXECUTE THE MAINTENANCE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** consistent with the City of Naples' adopted Pedestrian and Bicycle Master Plan 2013 Update and the Florida Department of Transportation (FDOT) grant applications, the Metropolitan Planning Organization (MPO) has recommended that the FDOT design and construct sidewalk improvements on Gulf Shore Boulevard between 12<sup>th</sup> Avenue South and Gordon Drive via 18<sup>th</sup> Avenue South (Reference: FPN 430877); and

**WHEREAS,** as a result of the MPO's recommendation, the FDOT has funded the Gulf Shore Boulevard South Sidewalk Project referenced as FPN 430877 in the FDOT's Five Year Work Program with the project being scheduled for design in FY2014 and construction in FY2015; and

**WHEREAS,** as a condition of designing and constructing such improvements, the FDOT requires local governments to enter into agreements to maintain such improvements upon project completion and acceptance; and

**WHEREAS,** the City staff has reviewed the attached Transportation Post Project Maintenance Agreement for Sidewalk Project FPN 430877, determined that the Project and Agreement are in the City's best interest and recommends City Council approval;

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

**Section 1.** That the Transportation Post Project Maintenance Agreement (Reference: FPID 430877), between the Florida Department of Transportation and the City of Naples, a copy of which is on file in the City Clerk's office, to maintain the sidewalk improvements on the west side of Crayton Road between Banyan Boulevard and Oleander Drive, is hereby approved.

**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.

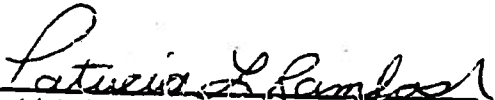
I hereby certify that the above and foregoing is a true and correct copy of records appearing in the files of the City Clerk's Office, City of Naples, Florida.

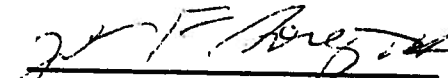
Melissa K. Goerben  
Title Deputy City Clerk

**Resolution 15-13599**

**PASSED IN OPEN AND SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS 17<sup>TH</sup> DAY OF FEBRUARY, 2015.**

Attest:

  
\_\_\_\_\_  
Patricia L. Rambosk, City Clerk

  
\_\_\_\_\_  
John F. Sorey, III, Mayor

Approved as to form and legality:

  
\_\_\_\_\_  
Robert D. Pritt, City Attorney

M:\REF\COUNCIL\RES\2015\15-13599

Date filed with City Clerk 2-17-15