## TRANSPORTATION OFF SYSTEM 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 off system post-project transportation enhancements described below.

## WITNESSETH

1. WHEREAS, pursuant to Fla. Stat. $\S 339.08$, and the Moving Ahead for Progress in the $21^{\text {st }}$ 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 \# 433188-1-52-01 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 AGENCY to maintain the project; and
4. WHEREAS, the LOCAL AGENCY by Resolution No.2017-13928, dated 3/1/17 , a copy of which is attached hereto and made a part hereof as Exhibit A, has consented to and approved the Agreement and has authorized its Chairperson 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.

- Construct a five foot wide sidewalk along the west side of $3^{\text {rd }}$ Street North from Central Avenue to $7^{\text {th }}$ Avenue North; as shown in the attachment labeled Exhibit B.

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.
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. This Agreement shall be governed, interpreted and construed according to the laws of the State of Florida.

## THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the City of Naples has caused this Agreement to be executed in its behalf through its Chairperson 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.

$\qquad$
CITY OF NAPLES LEGAL REVIEW:
BY: Jim Fox, Esq.

## STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

## ATTEST

DISTRICT ONE SECRETARY



$\qquad$

## RESOLUTION 2017-13928


#### Abstract

A RESOLUTION APPROVING A TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES RELATING TO THE 3RD STREET NORTH SIDEWALK PROJECT TREFERENCE: FINANCIAL PROJECT NUMBER 433188-1-52-01, FEDERAL A'SD: PROJECT NUMBEP 8886-793-A); AUTHORIZING THE MAYOR TO EXECUTE THE MAINTENANGE AGREEMENT; AMND 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 3rd Street North between Central Avenue and 7th Avenue North (Reference: Financial Project Number 433188-1-52-01, Federal Aid Project Number 8886-793-A); and

WHEREAS, as a result of the MPO's recommendation, the FDOT has funded the 3rd Street North Sidewalk Project referenced as FPN 433188 in the FDOT's Five Year Work Program with the project being scheduled for construction in FY2017; 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 433188, 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: FPN 433188), between the FDOT and the City of Naples is hereby approved to maintain the sidewalk improvements on the west side of $3^{\text {rd }}$ Street North from Central Avenue to 7th Avenue North, a copy of which is on file in the City Clerk's office.

Section 2. That the Mayor is hereby authorized to execute the Maintenance Agreement.
Section 3. That this resolution shall take effect immediately upon adoption.
$\qquad$ FLORIDA，THIS MSF：DAY ÓF．MARCH， 2017.


Patricia ERambosk，City Cleik：
Approved as $k$ formand legality：


Robert D．Pritt，City Attorne）
M：IRERCOUNCILIRESL20172017－13928
Date filed with City Clerk： $3-1-17$


BiliBarnett，Mayor



| FLORIOA OEPARTMENT OF TRANSPORTATION PROJECT SUMMARY OF PAY ITEMS FOR PROJECT: 43318B-I-52-01 |  |  |  |  |  |  |  |  |
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|  |  | 0102- 1. | MAINTENANCE OF TRAFFIC 43318815201LS |  |  | (LS) | 1.000 | 1.000 |
|  |  | 0102: 60. | WORK 2ONE SIGN |  |  | ED | 7350.000 | 7350.000 |
|  |  | 0102. 74. 1 | CHANELI2ING DEVICE. TYPES It II.. DI, VP, ORUM, OR LCD |  |  | ED | 19800.000 | 19800.000 |
|  |  | 0204- 20.3 | SEDTMENT GARRIER |  |  | ${ }^{2}$ | 1565.000 | 1565.000 |
|  |  | 0104-18. | INLET PROTECTION SYSTEM |  |  | ${ }^{\text {EA }}$ | 11.000 | 11.000 |
|  |  | 0110. 1. 1 | CLEARIMC \& CRÜBBING 433188J5207LS |  |  | (L5) | 1.000 | 1.000 |
|  |  | 0110. 7.1 | MAILBOX. FEGI SINGLE |  |  | EA | 4:000 | 4.000 |
|  |  | 0120- | REGULAR ExCAVATION |  |  | cr | 178:000 | 178.000 |
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|  |  | 0425-2. ${ }^{\text {23 }}$ | ${ }^{\text {MANHOLES }}$, P.7, PARTJAL |  |  | EA | 1.000 | 1.000 |
|  |  | 0425-2. 11 | MANHOLES. 1.7. $\times 10^{\circ}$ |  |  | EA | 1.000 | 1.000 |
|  |  | 0430-175.115 | PIPE CULVERAT,OPTIONAL MATERIAL ROUNO, 15*5/CD |  |  | ${ }^{\text {Lf }}$ | 11.000 | 11.000 |
|  |  | 0430-175.130 | PIPE COLVERT, OPT MATERIAL. ROUNO, 30"S/CD |  |  | $\stackrel{\square}{ }$ | 12.000 | 12.000 |
|  |  | 0430.963. 1 | PVC PIPE FOR BACK Of SIDEYALK. 4* |  |  | ${ }^{\text {LF }}$ | 130.000 | 130.000 |
|  |  | 0522- 2. |  |  |  | ${ }^{5 r}$ | 1573.000 | 1573.000 |
|  |  | 0527. $2 \cdot$ | Detectable WARNINGS |  |  | SF | 343.000 | 343.000 |
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| DATE | DESCRPPTION | SATE. | DESCRPPITON | FALLER, DAVIS \& ASSOGIATES, INC. TAMPA, FLOAPADAS 3607 ITO . 66620 <br>  | STATE OF FLORIDADEPARTMENT OF TRANSPORTATION |  |  | SUMMARY OF PAY HTEMS | SHEET NO. |
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