

**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. §339.08, and the Moving Ahead for Progress in the 21st 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 # **433181-1-32-01**, FAP # **8886-636-A**, 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. 2016-13860 dated 10/5/16, 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 obtained approval for federal participation of the project and has undertaken the project which consists of sidewalk construction at various locations in the vicinity of St. Ann's Middle School and as shown in **Exhibit B** attached hereto and made a part hereof. Said locations are as follows:
 - East side of 4th St. S. from 8th Ave. S. to 100' north of 9th Ave. S.
 - West side of 4th St. S. from 9th Ave. S. to 10th Ave. S.
 - West side of 5th St. S. from 9th Ave. S. to 180' north of 10th Ave. S.
 - West side of 6th St. S. from 9th Ave. S. to 135' north of 10th Ave. S.
 - Both sides of 7th St. S. from 8th Ave. S. to 200' north of 10th Ave. S.
 - West side of 8th St. S. from 9th Ave. S. to 200' north of 10th Ave. S.
 - North side of 8th Ave. S. from 170' east of 8th St. S. to 9th St. S.
 - North side of 8th Ave. S. from 50' west of 4th St. S. to East Lake Drive
 - North side of 9th Ave. S from 200' east of 6th St. S. to 8th St. S.
 - East side of West Lake Drive from 8th Ave. S. to 200' north of 8th Ave. S.
 - East side of East Lake Drive from 6th Ave. S. to 220' north of 7th Ave. S.
 - West side of 8th St. S. from 180' north of 11th Ave. S. to 11th Ave.
 - South side of 8th Ave. S. from 4th St. S. to 175' east of 4th St. S.

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:

10-31-16

Department to enter date.

ATTEST

BY: Jessica R. RosenBerg

Jessica R. RosenBerg
PRINT NAME

Deputy City Clerk
TITLE

CITY OF NAPLES LEGAL REVIEW:

BY: James D. [Signature]
DATE

CITY OF NAPLES, FLORIDA

BY: [Signature]
CHAIRPERSON, OR DESIGNEE

Bill Barnett
PRINT NAME

10/11/16
DATE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST

BY: Geraldine McCants

Geraldine McCants
PRINT NAME

Administrative Assistant
TITLE

BY: Chris Smith
DISTRICT ONE SECRETARY
OR DESIGNEE

Chris Smith
PRINT NAME

Director of Transportation Development
TITLE

FLA. DEPT. OF TRANS. LEGAL REVIEW:

BY: [Signature]

Agenda Item 6-d
Meeting of 10/5/16

RESOLUTION 2016-13860

A RESOLUTION APPROVING A TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES RELATING TO THE ST. ANN SCHOOL SIDEWALK PROJECT (REFERENCE: FPID 433181); 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 in the area surrounding St Ann School in the Old Naples area (Reference: FPID 433181); and

WHEREAS, as a result of the MPO's recommendation, the FDOT has funded the St Ann School Sidewalk Project referenced as FPID 433181 in the FDOT's Five Year Work Program with the project being scheduled for design in FY2016 and 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, City staff has reviewed the Transportation Post Project Maintenance Agreement for Sidewalk Project FPN 433181, 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 433181), 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 in the area surrounding St. Ann School in the public rights-of-way of 8th Avenue South, 9th Avenue South, 4th Street South, 5th Street South, 6th Street South, 7th Street South, 8th Street South, West Lake Drive and East Lake Drive, is hereby approved.

Section 2. That the Mayor is hereby authorized to execute the 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.

Shawn R. Roerhoy
Title Deputy City Clerk

EXHIBIT B

