

**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.

W I T N E S S E T H

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 # **433190-1-32-01**, FAP # **8886-638-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. 2016-13861, 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 undertaken the project and obtained approval for federal participation on the sidewalk construction at the following location.
 - The project will construct a sidewalk on the north side of Mooring Line Drive from Bridge #030125 to approximately 450 feet west of US 41; as shown in 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.

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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.

CITY OF NAPLES, FLORIDA

ATTEST
BY: Jessica R. Rosenberg

JESSICA R. ROSENBERG
PRINT NAME
Deputy City Clerk
TITLE
DATE 10/12/16

BY: Bill Barnett

BILL Barnett
PRINT NAME
DATE 10/11/16

CITY OF NAPLES LEGAL REVIEW:
BY: Robert D. Pratt

DATE 10/10/16

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST
BY: Geraldine McCants

Geraldine McCants
PRINT NAME
Administrative Assistant
TITLE
DATE 10/31/16

BY: Chris Smith

Chris Smith
PRINT NAME
District One Secretary
OR DESIGNEE
Director of Transportation Development
TITLE
DATE 10/31/16

FLA. DEPT. OF TRANS. LEGAL REVIEW:
BY: [Signature]

**Agenda Item 6-e
Meeting of 10/5/16**

RESOLUTION 2016-13861

A RESOLUTION APPROVING A TRANSPORTATION POST PROJECT MAINTENANCE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF NAPLES RELATING TO THE MOORING LINE DRIVE SIDEWALK PROJECT (REFERENCE: FPID 433190); 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 Mooringline Drive between 9th Street North (US 41) and the Mooring Line Drive Bridge (Reference: FPID 433190); and

WHEREAS, as a result of the MPO's recommendation, the FDOT has funded the Mooring Line Drive Sidewalk Project referenced as FPID 433190 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 FPID 433190, determined that the Project and Agreement are in the City's best interest and recommends City Council approval;

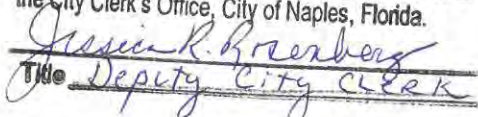
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the Transportation Post Project Maintenance Agreement (Reference: FPID 433190), 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 north side of Mooring Line Drive from 9th Street North (US 41) to Mooring Line Drive Bridge 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.


Title Deputy City Clerk

