

# 980379

FM No. 211365-1-52-01  
Job No. 26000-3636  
Fed No. N/A

**MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 1998, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "DEPARTMENT" and the City of Gainesville, Florida, hereinafter called the "AGENCY".

**WITNESSETH**

WHEREAS, the DEPARTMENT is preparing to undertake a project which is known as NW 55th Street Sidewalk Construction from NW State Road 26 to 23rd Avenue, FM No. 211365-1-52-01 State Project No. 26000-3636, which will be of benefit to the AGENCY; and

WHEREAS, approval of Federal Aid necessary to the project requires agreement by the AGENCY to maintain the project.

NOW, THEREFORE, in consideration of the premises, the parties agree:

1. The DEPARTMENT will undertake the project and obtain approval for federal participation.
2. Upon completion and acceptance the AGENCY will assume responsibilities for maintenance in accordance with the federally approved state standards.
3. To the extent permitted by law, the AGENCY shall indemnify, defend, save and hold harmless the DEPARTMENT and all its officers, agents, or employees from all suits, actions, claims, demands, liability of any nature whatsoever arising out of, because, or due to breach of this agreement by the AGENCY, its subcontractor, agents or employees, or due to any negligent act, or occurrence of omission or commission of the AGENCY, its subcontractors, agents or employees. Neither the AGENCY nor any of its agents will be liable under this section for damages arising out of injury or damages to persons or property directly caused or resulting from the sole negligence of the DEPARTMENT or any of its officers, agents, or employees. The parties agree that this clause shall not waive the provisions of Section 768.28, F.S. or any similar provision of law.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals on the day and year first above written.

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Fed No. N/A  
AGREEMENT DATE \_\_\_\_\_

AGENCY: City of Gainesville

BY: Paul M. D'Amico

TITLE: Mayor

DATE: 9-30-98

ATTEST: [Signature]

(Seal)  
TITLE: Clerk of the Commission

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
District Secretary  
District Two

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
(Seal) Executive Secretary

APPROVED AS TO FORM:

[Signature]  
AGENCY Attorney

DATE: 9-23-98

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Attorney, Department of Transportation

DATE: \_\_\_\_\_