

RESOLUTION NO. 980753

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA AUTHORIZING THE MAYOR AND CLERK OF THE COMMISSION TO EXECUTE THE APPLICATION OF THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, WHICH REQUESTS THE TEMPORARY CLOSING OF A STATE ROAD FOR THE 1998 HISTORIC HOLIDAYS FESTIVAL OF LIGHTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City of Gainesville Department of Cultural Affairs sponsors the annual Historic Holidays Festival of Lights which will utilize Southeast 1st Street between East University Avenue and Southeast 1st Avenue; and

WHEREAS, the above road closure for the festival will also require the temporary closing of the left turn lane on East University Avenue at its intersection with Southeast 1st Street for approximately three and one half hours, commencing at 5:30 p.m. on Saturday, December 5, 1998; and

WHEREAS, the temporary closing of a state road in municipal corporate limits requires a municipal government to execute an application of the State of Florida Department of Transportation which provides the city police will manage all details involved in the administration of the event; and

WHEREAS, the City Commission of the City of Gainesville finds the temporary closing of the left turn lane on State Road 26 is necessary for the event to take place in downtown Gainesville;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1: The Mayor and the Clerk of the Commission are authorized to execute the application of the Florida Department of Transportation which requests the temporary closing of the left turn lane on East University Avenue at its intersection with Southeast 1st Street, a copy of which is attached hereto as Exhibit "A."

Section 2: It is acknowledged the City of Gainesville assumes all responsibility for traffic control.


Section 3: This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 9th date of November, 1998.


MAYOR
PAULA DELANEY

ATTEST:


CLERK OF THE COMMISSION
KURT M. LANNON

APPROVED AS TO FORM AND LEGALITY
BY: 
MARION J. RADSON, CITY ATTORNEY
CITY OF GAINESVILLE, FLORIDA

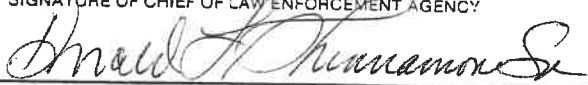
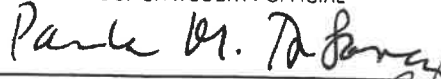
NOV 10 1998


CITY OF CHATTANOOGA, TENNESSEE
MARION J. BARNES, CITY ATTORNEY
BY _____
APPROVED AS TO FORM AND LEGALITY

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
REQUEST FOR TEMPORARY CLOSING/SPECIAL USE OF STATE ROAD

FORM 850-040-65
 MAINT - 02/92
 PAGE 1 OF 2

INSTRUCTIONS: OBTAIN SIGNATURES OF LOCAL LAW ENFORCEMENT AND CITY/COUNTY OFFICIALS PRIOR TO SUBMITTING TO DEPARTMENT OF TRANSPORTATION. ATTACH ANY NECESSARY MAPS OR SUPPORTING DOCUMENTS.

| | | | | |
|---|---------------------------------------|--|---|---|
| NAME OF ORGANIZATION Department of Cultural Affairs | | PERSON IN CHARGE Bill Hutchinson | | DATE 10-14-98 |
| ADDRESS OF ORGANIZATION 302 NE 6th Avenue, Gainesville, FL 32601 | | | | TELEPHONE NUMBER 352-334-5064 |
| TITLE OF EVENT Historic Holidays Festival of Lights | | | | |
| DATE OF EVENT 12-5-98 | STARTING TIME OF EVENT 6 pm | DURATION OF EVENT (APPROX.) 3 hours | ACTUAL CLOSING TIME (INCLUDING SETTING UP BARRIERS, ETC.) 5:50 pm to 9 pm | |
| PROPOSED ROUTE (INCLUDE STATE ROAD NUMBER, SPECIFIC LOCATION, ETC. - INCLUDE MAPS) Closure of westbound left turn lane on SR 26 (East University Avenue) due to closure of SE 1st Street between University Avenue and SE 1st Avenue for event. | | | | |
| DETOUR ROUTE (INCLUDE ALTERNATE ROUTES - INCLUDE MAPS) | | | | |
| NAME OF DEPT. RESPONSIBLE FOR TRAFFIC CONTROL, ETC. (CITY POLICE, SHERIFF'S DEPT., FLORIDA HWY. PATROL, ETC.) (INCLUDE PRECINCT NO.) GAINESVILLE POLICE DEPT. | | | | |
| SPECIAL CONDITIONS: | | | | |
| THIS SECTION IS TO BE COMPLETED WHEN PERMITTING SPECIAL USE OF A STATE ROAD FOR FILMING. | | | | |
| LICENSED PYROTECHNICS OPERATOR _____ LICENSE NO. _____ | | | | |
| APPROVAL OF LOCAL FIRE DEPARTMENT _____ | | | | |
| LIABILITY INSURANCE CARRIER _____ POLICY EFFECTIVE DATE _____ | | | | |
| COVERAGE AMOUNT _____ (\$1,000,000 MINIMUM) | | | | |
| LENGTH OF COVERAGE _____ DAYS | | | | |
| FEDERAL AVIATION ADMINISTRATION APPROVAL FOR LOW FLYING FILMING _____ | | | | |
| ADDITIONAL LIABILITY INSURANCE AMOUNT _____ (\$5,000,000 MINIMUM) | | | | |
| TYPED NAME AND TITLE (INCLUDE BADGE NO. IF APPROPRIATE) Donald Shinnamon Chief of Police | | SIGNATURE OF CHIEF OF LAW ENFORCEMENT AGENCY  | | DATE SIGNED 10/16/98 |
| TYPED NAME AND TITLE OF CITY/COUNTY OFFICIAL Gula DeLaney Mayor | | SIGNATURE OF CITY/COUNTY OFFICIAL  | | DATE SIGNED 10/16/98 |

Attest: 
Kurt L. Cannon

APPROVED AS TO FORM AND LEGALITY

BY: 
MARION J. RADSON, CITY ATTORNEY
CITY OF GAINESVILLE, FLORIDA

AUTHORITIES: CHAPTER 14-65, FLORIDA ADMINISTRATIVE CODE; RULES OF THE DEPARTMENT OF TRANSPORTATION TEMPORARY CLOSING AND SPECIAL USE OF STATE ROADS. SECTIONS 337.406(1), 496.06 AND 3

The Permittee, shall indemnify, defend, and hold harmless the Department and all of its officers, agents and employees from any claim, loss, damage, cost, charge or expense arising out of any acts, actions, neglect or omission by the Permittee, its agents, employees, or subcontractors during the performance of the Contract, whether direct or indirect, and whether to any person or property to which the Department or said parties may be subject, except that neither the Permittee nor any of its subcontractors will be liable under this Article for damages arising out of the injury or damage to persons or property directly caused or resulting from the SOLE negligence of the Department or any of its officers, agents or employees.

Contractor's obligation to indemnify, defend, and pay for the defense or at the Department's option, to participate and associate with the Department in the defense and trial of any damage claim or suit and any related settlement negotiations, shall be triggered by the Department's notice of claim for indemnification to Contractor. Contractor's inability to evaluate liability or its evaluation of liability shall not excuse Contractor's duty to defend and indemnify within seven days after such notice by the Department is given by registered mail. Only an adjudication or judgment after highest appeal is exhausted specifically finding the Department SOLELY negligent shall excuse performance of this provision by Contractor. Contractor shall pay all costs and fees related to this obligation and its enforcement by the Department. Department's failure to notify Contractor of a claim shall not release Contractor of the above duty to defend.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the State's right, title and interest in the land to be entered upon and used by the Permittee, and the Permittee will, at all times, assume all risk of and indemnify, defend, and save harmless the State of Florida and the Department from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said Permittee of the aforesaid rights and privileges.

During the event, all safety regulations of the Department shall be observed and the holder must take measures, including placing and display of safety devices, that may be necessary in order to safely conduct the public through the project area in accordance with the Federal Manual on Uniform Traffic Control Devices (MUTCD), as amended, and the Department's latest Roadway and Traffic Design standards.

In case of non-compliance with the Department's requirements in effect as of the approved date of this permit, this permit is void and the facility will have to be brought into compliance or removed from the R/W at no cost to the Department.

Submitted by: Holly K. Peterson
Permittee

Place Corporate Seal

Holly K. Peterson Events Coord.
Signature and Title

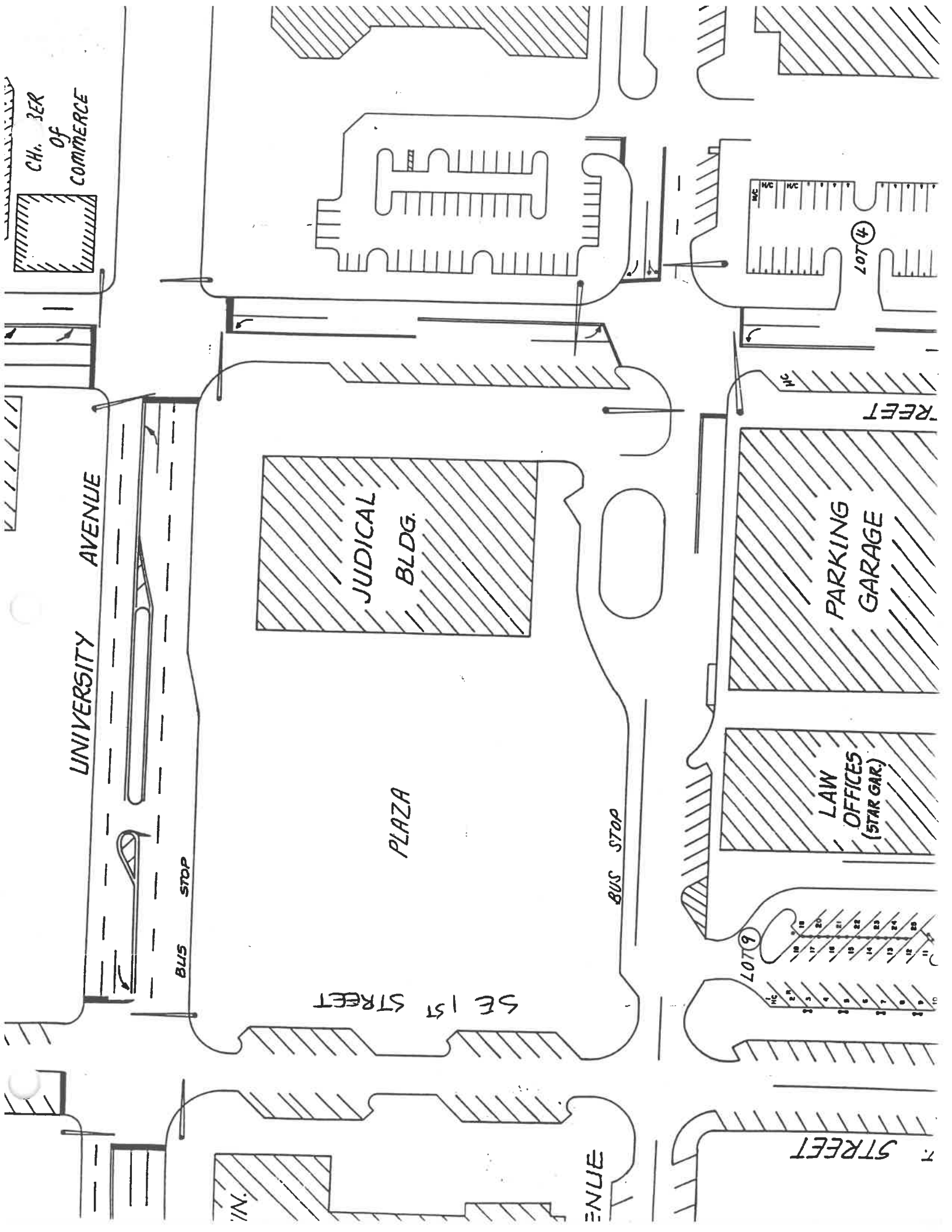
[Signature]
Attested

Department of Transportation Approval: This Request is Hereby Approved

Recommended for approval _____ Title _____ Date _____

Approved by: _____ Date _____
District Secretary or Designee

DISTRIBUTION: Original - Permittee
1st copy - District Maintenance Office



CH. 3ER
of
COMMERCE

UNIVERSITY AVENUE

BUS STOP

SE 1st STREET

JUDICIAL
BLDG.

PLAZA

BUS STOP

7th STREET

7th STREET

LAW
OFFICES
(STAR GAR.)

PARKING
GARAGE

LOT 4

LOT 9

