

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.

FM No. 211365-1-52-01
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AGREEMENT DATE _____

AGENCY: _____

BY: _____

TITLE: _____

DATE: _____

ATTEST: _____

(Seal)

TITLE: _____

APPROVED AS TO FORM:

AGENCY Attorney

DATE: _____

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____

District Secretary
District Two

DATE: _____

ATTEST: _____

(Seal)

Executive Secretary

APPROVED AS TO FORM AND LEGALITY:

Attorney, Department of Transportation

DATE: _____

FLORIDA DEPARTMENT OF TRANSPORTATION
MAINTENANCE RATING PROGRAM STANDARDS

ROADSIDE

THE FOLLOWING CHARACTERISTICS MEET THE DESIRED MAINTENANCE CONDITIONS WHEN:

- UNPAVED SHOULDER: No deviation exists across the shoulder width greater than 127 mm (5 in) above or below the design template. No shoulder build-up exceeds 51 mm (2 in) across the design template for a continuous 7.62 m (25 ft). No shoulder drop-off exceeds 76 mm (3 in) deep within 0.3 m (1 ft) of the pavement edge for a continuous 7.6 m (25 ft). No washboard areas exist having a total differential greater than 127 mm (5 in) from the low spot to the high spot.
- FRONT SLOPE: No ruts or washouts exist greater than 152 mm (6 in) in depth.
- SLOPE PAVEMENT: No missing or settled areas exist having exposed soil greater than 0.5 m² (5 sq ft). At least 70% of the control joints and 80% of the weep holes must function as intended. Additionally, 70% of the cracks must be sealed.
- SIDEWALK: 99.5% of sidewalk area is free of vertical misalignments or horizontal cracks greater than 19mm (¾ in).
- FENCE: No unrestrained entry is allowed.

SLOPE

PAVEMENT: No voids exist under the slope pavement.

Slope Pavement - Areas of rip-rap or slope pavement are required to prevent erosion of the back fill. All joints and cracking should prevent the infiltration of running water that could cause erosion of the back fill or slope. Slope pavement should be free of vertical fracture or unsealed horizontal cracks or joints greater than (19mm) 3/4" or this characteristic will not meet the desired maintenance conditions.

SIDEWALK: 99.5% of sidewalk area is free of vertical misalignments or horizontal crack greater than 19 mm (3/4 in).

Sidewalk - Sidewalk is constructed of various materials and is subject to misalignments caused by growing tree roots, settling or deterioration. This measurement includes the normal sidewalk joint and the sidewalk to curb joint. Sidewalk should be projected across an urban flared paved turnout and that area evaluated as sidewalk. Any bike path located outside the roadway pavement area will be evaluated as sidewalk. Paved utility strips are evaluated as sidewalk.

Sidewalk shall not be evaluated across dedicated streets. Spalled areas less than 19 mm (3/4") in depth meets desired conditions. Uniform deviation from original grade that does not have vertical misalignments or cracks greater than 19 mm (3/4 in) meets desired maintenance conditions.

FENCE: No unrestrained entry is allowed.

Fence - Any unauthorized opening in a fence line, within the Department right-of-way that allows unrestrained access causes this characteristic not to meet the desired maintenance condition. Unrestrained access is defined as less than 2/3 of its original height as measured from natural ground.

If after a reasonable effort the entire fence cannot be reached, it will not be rated and the coding sheet will be coded as N/A. If any part of the fence can be reached then that portion of the fence should be evaluated.