

RESOLUTION NO. 040947

Passed: February 14, 2005

A Resolution of the City Commission of the City of Gainesville, Florida, authorizing the execution of a Maintenance Agreement FIN 207790-1-52-01 between the City of Gainesville and the State of Florida Department of Transportation to Facilitate and Maintain the retention pond project on the west end of State Road 26A behind the City of Gainesville Fire Station.

WHEREAS, the State of Florida Department of Transportation is preparing to undertake a project known as the retention pond enhancement project on the west end of State Road 26A behind the City of Gainesville Fire Station in Alachua County, Florida, which will be of benefit to the City of Gainesville; and

WHEREAS, the project requires agreement by the City of Gainesville to maintain the project which includes retention pond completion including fountain, lighting, street furniture, landscaping, sidewalks and all pertinent items associated with the project.

WHEREAS, the State of Florida Department of Transportation will undertake the project utilizing State of Florida Department of Transportation funds and may obtain federal approval for participation.

WHEREAS, upon completion and acceptance the City of Gainesville will assume responsibility for maintenance of all items of enhancement.

WHEREAS, Chapter 163, Florida Statutes, authorizes cooperative efforts between various public agencies.

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

Section 1. The Interim City Manager or designee is authorized to make, execute, and deliver a Maintenance Agreement (Project # 207790-1-52-01) to Facilitate and Maintain the retention pond project on the west end of State Road 26A behind the City of Gainesville Fire Station to the State of Florida Department of Transportation.

Section 2. This Resolution shall become effective immediately upon adoption.

Dated the 14th day of February AD, 2005.




Pegeen Hanrahan
Mayor

ATTEST:



Kurt M. Lannon
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY



Marion J. Radson
City Attorney

MAR 12 2005

MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "DEPARTMENT" and the CITY OF GAINESVILLE, hereinafter called the "AGENCY".

WITNESSETH

WHEREAS, the DEPARTMENT is preparing to undertake a project which is known as the retention pond enhancement project on the west end of State Road 26A behind the City of Gainesville Fire Station in Alachua County, Florida, Financial Project ID: 207790-1-52-01, which will be of benefit to the AGENCY; and

WHEREAS, the project requires agreement by the AGENCY to maintain the project which includes retention pond completion including fountain, lighting, street furniture, landscaping, sidewalks and all pertinent items associated with the project.

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

1. The DEPARTMENT will undertake the project utilizing DEPARTMENT funds and may obtain federal approval for participation. The project may include the following items with their estimated costs:

SR 26A Enhancement Project

- A. Pond enhancements; \$731,000.00
- B. Lighting; \$187,000.00
- C. Street furniture; \$17,600.00

SR 26 Enhancement Project

- A. Stamped Cross Walks; \$29,000.00
- B. Grass, Landscape and Irrigation for the median between 36th Street and 36th Drive; \$45,500.00
- C. Lighting; \$275,000.00
- D. Street furniture; \$8,000.00

2. Upon completion and acceptance the AGENCY will assume responsibility for maintenance of all items of enhancement.
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 of 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 date and year first above written.

CITY OF GAINESVILLE

FLORIDA DEPARTMENT OF TRANSPORTATION

BY: Barbara Ingersoll

BY: _____
Aage G. Schroder, III, P.E.

TITLE: Interim City Manager

TITLE: District 2 Secretary

DATE: March 4, 2005

DATE: _____

ATTEST: Rosemary Shell
(Seal)

ATTEST: _____
Executive Secretary (Seal)

APPROVED AS TO FORM:

APPROVED AS TO FORM AND LEGALITY:

Dana Crowley, Asst. City Atty.
AGENCY Attorney

Office of District Two General Counsel

DATE: 3-1-05

DATE: _____