

RESOLUTION NO. 980921

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 TWO STATE ROADS FOR THE 1999 MARTIN LUTHER KING, JR. COMMEMORATIVE MARCH; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Martin Luther King, Jr. Commission of Florida, Inc. sponsors the annual Martin Luther King, Jr. Commemorative March which will utilize State Road 26 and State Road 24; and

WHEREAS, the above road closure for the march will require the temporary closing of State Road 26 (University Avenue) between Northeast 1st Street and State Road 24 (Waldo Road) and State Road 24 between University Avenue and Northeast 8th Avenue for approximately two hours commencing at 11:00 am on Monday, January 18, 1999; 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 State Road 26 and State Road 24 is necessary for the event to take place in 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 State Road 26 and State Road 24, 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 14 day of December, 1998.

ATTEST:


CLERK OF THE COMMISSION
KURT M. LANNON


MAYOR
PAULA DELANEY

APPROVED AS TO FORM AND LEGALITY
BY: 
MARION J. RADSON, CITY ATTORNEY
CITY OF GAINESVILLE, FLORIDA
DEC 16 1998

ATTORNEY AT LAW, 25 W. 10TH ST.

PHILIP J. JARVIS, CITY ATTORNEY
OF OMAHA, NEBRASKA

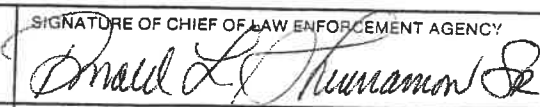
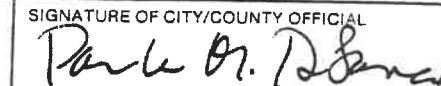
Exhibit A

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 MLK, Jr. Commission of Florida Inc.		PERSON IN CHARGE Rodney J. Long		DATE 11/30/98
ADDRESS OF ORGANIZATION 214 W. University Ave., Suite C, Gainesville, FL 32601				TELEPHONE NUMBER 376-2442
TITLE OF EVENT Martin Luther King Week '97- Commemorative March				
DATE OF EVENT 1/18/99	STARTING TIME OF EVENT 12 noon	DURATION OF EVENT (APPROX.) 1 hour	ACTUAL CLOSING TIME (INCLUDING SETTING UP BARRIERS, ETC.) 2 hours	
PROPOSED ROUTE (INCLUDE STATE ROAD NUMBER, SPECIFIC LOCATION, ETC. - INCLUDE MAPS) State Road 26 (University Avenue) from SE 1st Street east to State Road 24 (Waldo Road) and north to Citizens' Field at NE 8th Avenue.				
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 Department and Traffic Engineering Division.				
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 12/1/98
TYPED NAME AND TITLE OF CITY/COUNTY OFFICIAL Paula DeLaney Mayor		SIGNATURE OF CITY/COUNTY OFFICIAL 		DATE SIGNED 12/23/98


Mark A. H. H. H.APPROVED AS TO FORM AND LEGALITY
BY: 

MARION J. HUDSON, CITY ATTORNEY

CITY OF GAINESVILLE, FLORIDA

DEC 18 1998

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 316.008, FLORIDA STATUTES.

621-537

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

