

RESOLUTION 95- 205

**RESOLUTION BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, FLORIDA ACCEPTING A JOINT MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A SIDEWALK ALONG VARELLA AVENUE FROM STATE ROAD 16 TO THE ST. AUGUSTINE HIGH SCHOOL ENTRANCE AS AN ENHANCEMENT PROJECT AND ACCEPTING MAINTENANCE ON SAID SIDEWALK.**

**WHEREAS**, the Board of County Commissioners of St. Johns County, Florida, in their meeting of September 28, 1993, approved construction of a sidewalk along Varella Avenue from State Road 16 to the St. Augustine High School entrance as an enhancement project; and

**WHEREAS**, the Board of County Commissioners of St. Johns County, Florida, has been informed that the Florida Department of Transportation will construct the sidewalk on Varella Avenue at no cost to the County provided the County assumes maintenance of said sidewalk; and

**WHEREAS**, the County believes it to be in the best interest of the County to accept the above proposal.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners of St. Johns County, Florida, authorizes the County Administrator to execute the attached Joint Maintenance Agreement offered by the Florida Department of Transportation concerning a sidewalk on Varella Avenue in St. Johns County.

**PASSED AND ADOPTED** on this 28th day of November, 1995.



BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

BY: Donald Jordan  
Chair

ATTEST: CARL "BUD" MARKEL, CLERK OF COURT

BY: Rosemary Lewis  
Deputy Clerk

**FLORIDA**

LAWTON CHILES  
GOVERNOR

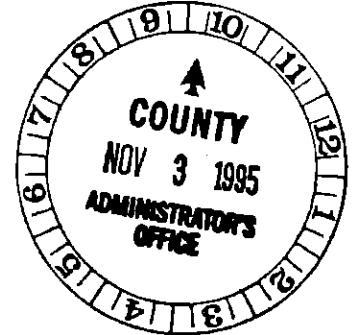


**DEPARTMENT OF TRANSPORTATION**

BEN G. WATTS  
SECRETARY

REGIONAL PLANNING OFFICE  
110 N. PONCE DE LEON BLVD.  
ST. AUGUSTINE, FLORIDA 32084

November 1, 1995



Mr. Nicholas M. Meiszer  
County Administrator  
P. O. Drawer 349  
St. Augustine, FL 32085-0349

Dear Mr. Meiszer:

The St. Johns County Board of County Commissioners, at its meeting of September 28, 1993, prioritized construction of a sidewalk along Varella Avenue from State Road (SR) 16 to the St. Augustine High School as an enhancement project. I am pleased to report that this project is now approaching final design and is scheduled for construction during the department's 1996/97 fiscal year. Before the department can finalize this design and let the project to construction, we must have on file a resolution from the St. Johns County Board of County Commissioners indicating that St. Johns County accepts responsibility for the maintenance of this sidewalk once it is constructed. For your convenience I have enclosed a draft resolution which meets the department's requirements in this regard.

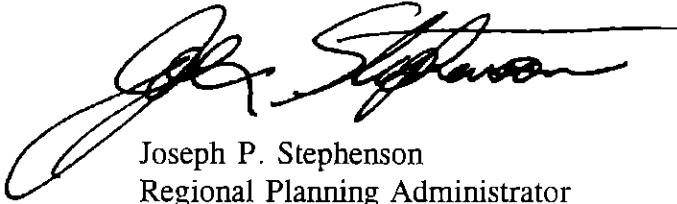
The department also requires that a Joint Maintenance Agreement, signed by both St. Johns County and the Florida Department of Transportation, be on file. Enclosed for your convenience are seven copies of this Joint Maintenance Agreement. We request that you return seven original signature copies following execution by St. Johns County. Please do not date the agreement on Page 1, as other approvals must be secured prior to establishing the execution date. When the department has completed execution of the agreement, appropriate copies will be returned for your file and record.

I anticipate that this will first be reviewed by the standing committee on Public Safety and Transportation. If you will inform me when it is scheduled on the agenda, I will be present to discuss it with the standing committee. Likewise, when it is placed on the agenda for consideration by the County Commission, I would like to be present to answer questions or provide additional information as needed.

Mr. Nicholas M. Meiszer  
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Thank you for your usual cooperation in this regard. Please contact me at 825-5097 any time I can be of assistance with this or other issues relative to the state road system in St. Johns County.

Sincerely,



Joseph P. Stephenson  
Regional Planning Administrator

JPS:pl

Enclosure

xc: Aage Schroder  
James Dees  
Joye Brown

WPI No. 2126827  
Job No. 78507-3600-100  
Fed No. SE-8885-(277)

### JOINT MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ of \_\_\_\_\_, 1995, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "DEPARTMENT" and St. Johns County, Florida, hereinafter called the "AGENCY".

#### WITNESSETH

WHEREAS, the DEPARTMENT is preparing to undertake a project which is known as the construction of sidewalk on Varella Avenue from State Road 16 to St. Augustine High School entrance in St. Augustine, St. Johns County, WPI No. 2126827, State Project No. 78507-3600-100, 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.

WPI No. 2126827  
Job No. 78507-3600-100  
Fed No. SE-8888-(277)  
AGREEMENT DATE \_\_\_\_\_

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

AGENCY: \_\_\_\_\_  
BY: *Nicholas M. Meiszer*  
TITLE: **NICHOLAS M. MEISZER**  
**COUNTY ADMINISTRATOR**  
DATE: 11-29-95  
ATTEST: \_\_\_\_\_ (Seal)  
TITLE: \_\_\_\_\_

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION  
BY: \_\_\_\_\_  
District Secretary  
District Two  
DATE: \_\_\_\_\_  
ATTEST: \_\_\_\_\_  
Executive Secretary (Seal)

APPROVED AS TO FORM:  
\_\_\_\_\_  
AGENCY Attorney  
DATE: \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGALITY: \_\_\_\_\_  
\_\_\_\_\_  
Attorney  
Department of Transportation  
DATE: \_\_\_\_\_