

RESOLUTION NO. 97-86

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ACCEPTING MAINTENANCE RESPONSIBILITY FOR SIDEWALKS ON SOLANA ROAD FROM A1A TO TPC BLVD.

WHEREAS, the Florida Department of Transportation (FDOT) is preparing to undertake a project which is known as new sidewalk construction on County Road 210A (Solana Road) from A1A to TPC Blvd., WPI No. 2126823, State Project Number 78000-3602-100, which will be of benefit to St. Johns County and will be constructed at no expense to the County; and

WHEREAS, approval of Federal Aid to the FDOT necessary for the project requires acceptance of the Joint Maintenance Agreement by St. Johns County.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida

SECTION 1: That the Board of County Commissioners accepts the Joint Maintenance Agreement offered by the Florida Department of Transportation

SECTION 2: That after the sidewalks on Solana Road are constructed, the Board of County Commissioners hereby accepts maintenance of said sidewalks.

PASSED AND ADOPTED THIS 27 DAY OF May 1997.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: 

Chairman

ATTEST: CHERYL STRICKLAND, CLERK

BY: 

Deputy Clerk

WPI No. 2126823
Job No. 78000-3602-100
Fed No. SE-8888-(363)

MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of _____, 1997, 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 new sidewalk construction on County Road 210A (Solana Road) from A1A to TPC Blvd, WPI No. 2126823, State Project No. 78000-3602-100, 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.

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

WPI No. 2126823
Job No. 78000-3602-100
Fed No. SE-8888-(363)
AGREEMENT DATE _____

AGENCY: _____

BY: Nicholas M. Meiszer

TITLE: NICHOLAS M. MEISZER
COUNTY ADMINISTRATOR

DATE: MAY 30 1997

ATTEST: [Signature]

(Seal) _____
TITLE: Deputy Clerk

APPROVED AS TO FORM: _____

[Signature]
AGENCY Attorney

DATE: 5 Jun 97

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
District Secretary
District Two

DATE: _____

ATTEST: _____
Executive Secretary

APPROVED AS TO FORM AND LEGALITY: _____

Attorney, Department of Transportation

DATE: _____

St. Johns County Board of County Commissioners

NICHOLAS M. MEISZER
County Administrator

P.O. DRAWER 349
SAINT AUGUSTINE, FLORIDA
32085-0349



PHONE: (904) 823-2501
FAX: (904) 823-2507
SUNCOM: 865-2501

June 27, 1997

Mr. James W. Killian
Transportation Statistics Administrator
Florida Department of Transportation
Post Office Box 1089
Lake City, Florida 32056-1089

RE: Maintenance Agreement - St. Johns County Resolution 97-86
Sidewalk Construction on CR 210A, From SR AIA to TPC Blvd.

Dear Mr. Killian:

Enclosed are seven copies of Resolution 97-86, corrected, as you requested in your letter of June 20, 1997.

If you need any additional assistance or information, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nicholas M. Meiszer", is written over the typed name and title.

Nicholas M. Meiszer
County Administrator

NMM/np

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BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: 
Chairman

ATTEST: CHERYL STRICKLAND, CLERK

BY: 
Deputy Clerk

FLORIDA

LAWTON CHILES
GOVERNOR



DEPARTMENT OF TRANSPORTATION

Telephone (904) 752-3300
Toll Free 800-749-2967
FAX (904) 758-3701

BEN G. WATTS
SECRETARY

Post Office Box 1089
Lake City, Florida 32056-1089
June 20, 1997

Mr. Nicholas M. Meiszer, County Administrator
St. Johns County
P.O. Box 349
St. Augustine, Fl 32085-0349

**RE: MAINTENANCE AGREEMENT - ST JOHNS RESOLUTION NO. 97-86
SIDEWALK CONSTRUCTION ON CR 210A, FROM SR A1A TO TPC BLVD.**

Dear Meiszer:

Please be advised that I spoke with Ms. Norma Pirkle this morning and advised her that St. Johns County Resolution No. 97-86 contains an error which needs to be rectified before we can execute the subject Maintenance Agreement. The resolution refers to the Agreement as a "Joint Maintenance Agreement" in paragraphs 2 and 4. I am requesting that you strike through "Joint" and initial this action and return to me for final execution.

Your assistance in this matter is appreciated. Please call me toll free 800-749-2967 if you have any questions.

Sincerely:

James W. Killian
Transportation Statistics Administrator

cc: Joe Stephenson