

RESOLUTION NO. 2008- 167

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS OF A MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF VETERANS' AFFAIRS RELATING TO SITE WORK AT THE CLYDE E. LASSEN STATE VETERANS NURSING HOME IN ST. JOHNS COUNTY AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE SAID MEMORANDUM.

RECITALS

WHEREAS, St. Johns County ("**County**") and the Florida Department of Veterans' Affairs ("**FDVA**") wish to collaborate as partners in bringing a Florida Veterans' Nursing Home to St. Johns County; and

WHEREAS, the County hand delivered a site selection questionnaire (the "**Contract**") on October 28, 2005, in which representations were made regarding the condition of the site to be donated to the State of Florida for the construction by the FDVA of the Nursing Home (the "**Site**"); and

WHEREAS, the Contract states that the County is responsible for "*all fill and other preparation necessary to...make site suitable for construction will be provided at no cost to the State,*"; and

WHEREAS, the County and the FDVA have negotiated a Memorandum of Agreement ("**MOA**"), attached hereto as Exhibit "A", incorporated by reference and made a part hereof, to define the terms and conditions of making the Site 'suitable for construction', as stated in the Contract.

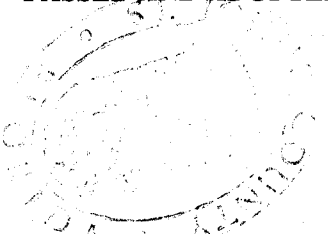
NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONER OF ST. OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as findings of fact.

Section 2. The Board of County Commissioners of St. Johns County hereby approves the terms and conditions of the MOA and authorizes the County Administrator to execute said Memorandum.

Section 3. The Clerk of Courts of St. Johns County is instructed to file the MOA in the public records of St. Johns County.

PASSED AND ADOPTED, this 24th day of June, 2008.



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

By: Thomas G. Manuel
Thomas G. Manuel, Chairman

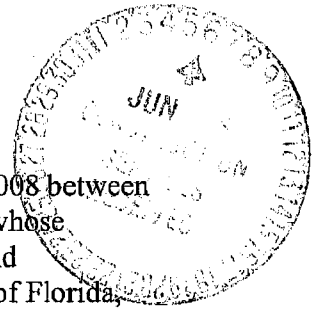
ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman
Deputy Clerk

RENDITION DATE 6/27/08

Exhibit "A" to Resolution

MEMORANDUM OF AGREEMENT



THIS AGREEMENT is entered into this ____ day of _____, 2008 between **ST. JOHNS COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, Florida 32084 (the "**COUNTY**") and **FLORIDA DEPARTMENT OF VETERANS' AFFAIRS**, an agency of the State of Florida, whose address is 11351 Ulmerton Road, Room 311-K, Largo, Florida 33778-1630 ("**FDVA**").

WITNESSETH:

WHEREAS, the COUNTY and the FDVA wish to collaborate as partners in bringing a Florida Veterans' Nursing Home (the "**NURSING HOME**") to St. Johns County; and

WHEREAS, the COUNTY hand delivered a site selection questionnaire (the "**CONTRACT**") on October 28, 2005, in which representations were made regarding the condition of the site to be donated to the State of Florida for the construction by the FDVA of the NURSING HOME (the "**SITE**"); and

WHEREAS, the CONTRACT states that the COUNTY is responsible for "all fill and other preparation necessary to place a site above flood plain, and make site suitable for construction will be provided at no cost to the State," leaving some questions unanswered; and

WHEREAS, the SITE lies in unshaded flood zone "X" which is an area determined to lie outside the 0.2% annual chance flood plain according to community panel numbers 12109C0278H and 12109C0279H of the Flood Insurance Rate Maps for St. Johns County, Florida, dated September 2, 2004; and

WHEREAS, it is the intent of this Agreement to define the terms and conditions of making the SITE "suitable for construction at no cost to the State", as stated in the CONTRACT.

NOW THEREFORE in consideration of the terms contained herein the County and the FDVA agree as follows:

1. The above Recitals are hereby incorporated into the body of this agreement, and adopted as Findings of Fact.
2. To "make suitable for construction at no cost to the State," the COUNTY must fully perform and complete, or cause to be fully performed and completed, prior to and as a pre-condition to acceptance by the FDVA for commencement of foundation work, the following site work to the following specifications at its sole expense:
 - a) Sub-grade elevations under the building footprint shall be minus 0.66 feet below finished floor elevation and sub-grade elevations under the paved areas shall be minus 0.61 feet below finish paved elevations as shown on the mutually agreed upon grading plan provided by the COUNTY marked "Exhibit SU". Import fill is to be placed and compacted to this elevation.
 - b) Import fill placement and compaction to sub-grade elevation on the building slab and paved areas.

- c) Based on the Universal Engineering Reports of Geotechnical Exploration #501629, dated August 31, 2006, and #541422, dated January 29, 2007, the finished grade elevations of the building will require an estimated quantity of 3,532 cubic yards of import material to be delivered, placed and compacted on the building pad, and an estimated quantity of 2,645 cubic yards of import fill material to be delivered placed and compacted on the paved areas. The amount of suitable fill from the pond excavation can not be determined at this time; however, the quantity of suitable fill excavated from the pond will be deducted from the import fill. County acknowledges that the above quantities are estimates only and that the County is responsible for the actual quantities required to meet the sub-grade elevations of this agreement.
 - d) Inspection and approval by an independent certified soil engineer (to be agreed upon by both parties) prior to acceptance by the FDVA.
 - e) In order to perform this work FDVA will be responsible for all permitting and soil erosion control measures. FDVA will clear and grub the site, then strip and stock pile top soil on site for later use by the FDVA's Contractor to allow the COUNTY to commence their scope of the work.
 - f) The County will "Rough Cut" and "Rough Grade" the pond(s) in part or whole to the proposed shape as shown on the grading plan when using the pond(s) for fill requirements. The FDVA will be responsible for finish grade of the pond(s) and parking areas.
3. It is assumed that no over-excavation will be required to maintain separation between clay materials and the bottom of foundations, finish slab and/or paving as described in the Universal Engineering Reports of Geotechnical Exploration #501629, dated August 31, 2006, and #541422, dated January 29, 2007. However, in the event that over-excavation of unsuitable material is required, the cost of replacement of the unsuitable material, including excavation, import fill and compaction shall be reimbursed to FDVA by the COUNTY to a maximum cost of \$50,000 within thirty (30) days of receipt by the COUNTY of written notice from the FDVA.
4. Any written notice or request by either party to the other shall be sent by certified mail, return receipt requested (or other traceable conveyance) or hand delivery to the parties at the following addresses:
- To COUNTY at: St. Johns County, Florida
4020 Lewis Speedway
St. Augustine, FL 32084
Attention: Land Management Director
 - To FDVA at: State Veterans' Home Program
11351 Ulmerton Road, Room 311-K
Largo, FL 33778-1630
Attention: State Veterans' Nursing Homes Director

5. If any word, phrase, sentence, part, section, or other portion of this Agreement, or any application thereof, to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, or the proscribed application thereof, shall be severable, and remaining portions of the Agreement, and all applications thereof, not having been declared void, unconstitutional, or invalid shall remain in full force, and effect.
6. This Agreement shall be construed according to the laws of the State of Florida.

IN WITNESS THEREOF, COUNTY and FDVA have caused this agreement to be executed by their undersigned officials as duly authorized for the uses expressed therein the day and year first written above.

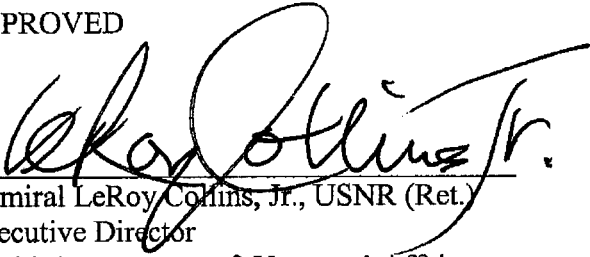
FLORIDA DEPARTMENT OF VETERANS' AFFAIRS

ST. JOHNS COUNTY , FLORIDA

APPROVED

APPROVED

By


 Admiral LeRoy Collins, Jr., USNR (Ret.)
 Executive Director
 Florida Department of Veterans' Affairs

By

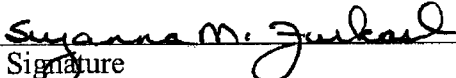
 Michael D. Wanchick
 County Administrator for St. Johns County

6-4-08
 Date

 Date

Witness to FDVA

Witnesses to County

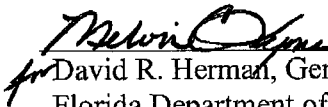

 Signature

 Signature

Suzanna M Ferhask
 Print or Type Name

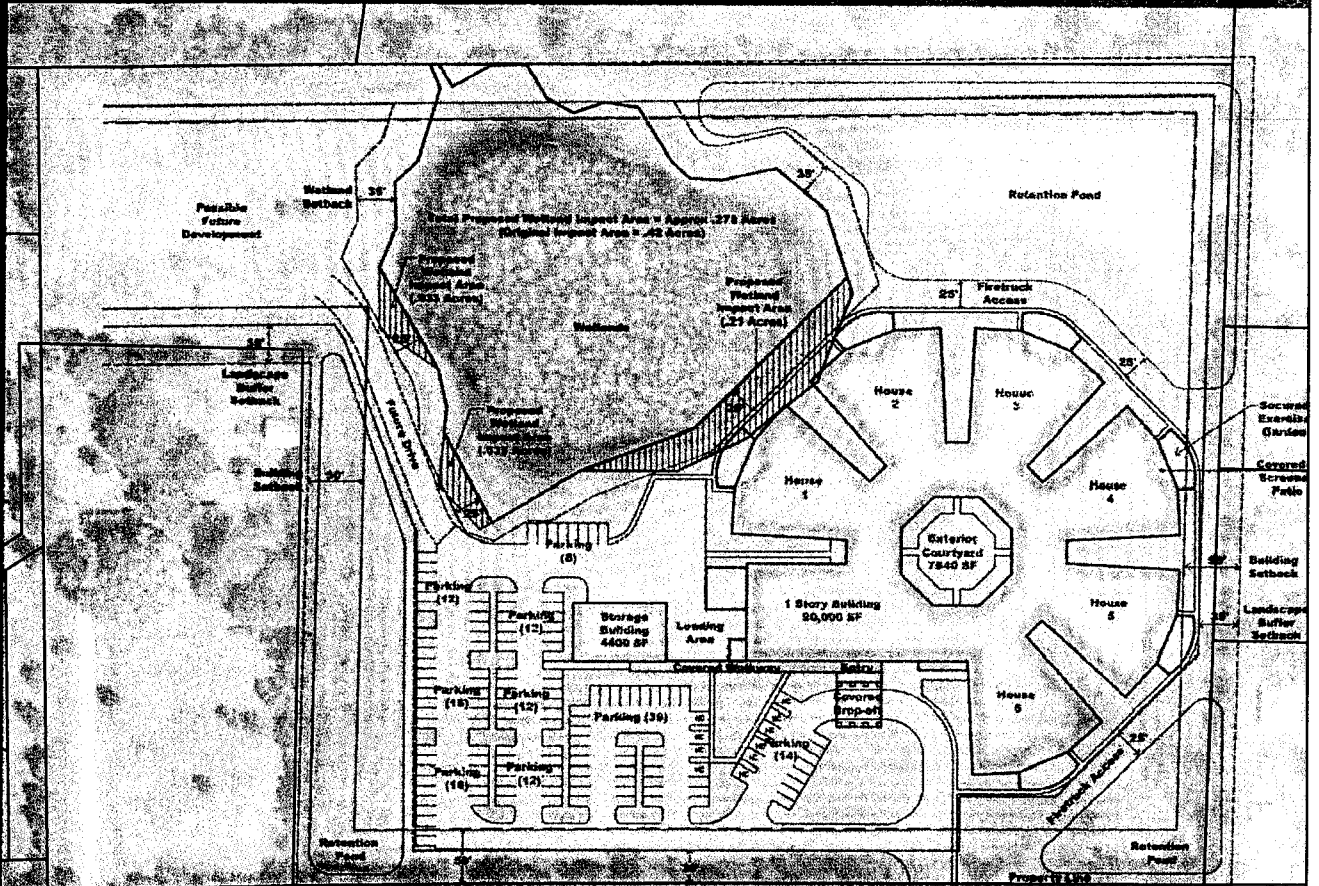
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APPROVED AS TO FORM AND LEGALITY FOR FDVA:

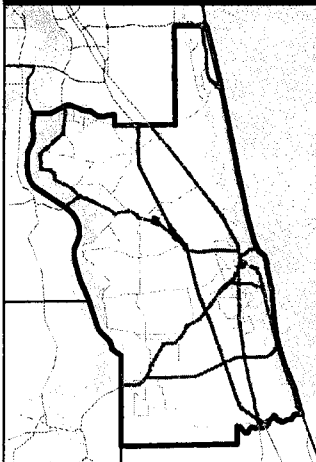
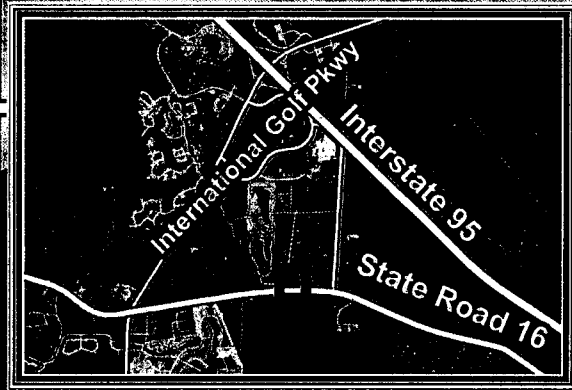

 for David R. Herman, General Counsel
 Florida Department of Veterans' Affairs

 Signature

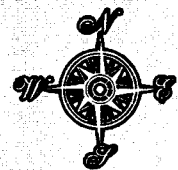
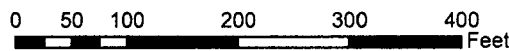
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State Road 16



**Memorandum of Agreement
for Site Preparation
The Clyde E. Lassen
State Veterans' Nursing Home**



2005 Aerial Imagery

St. Johns County
Land Mgmt Systems
Real Estate Division



Map Prepared:
June 3, 2008
(904) 209-0794

DISCLAIMER.
This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy.