

WPI No. 2128051
Job No. 74000-3604-912
Fed No. BRF-2925-(1)

MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this 2ND day of DECEMBER, 1997, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "DEPARTMENT" and Nassau County, Florida, hereinafter called the "AGENCY".

WITNESSETH

WHEREAS, the DEPARTMENT is preparing to undertake a project which is known as Replacement of Bridge Number 740025. (Brandy Branch) WPI No. 2128051 State Project No. 74000-3604-(1), 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.

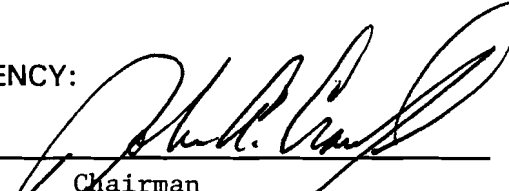
NOW, THEREFORE, in consideration of the premises, the parties agree:

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. 2128051
Job No. 74000-3604-100
Fed No. BRF-2925-(1)
AGREEMENT DATE 12/2/97

AGENCY:

BY: 

Chairman

TITLE: Nassau County Board of
County Commissioners

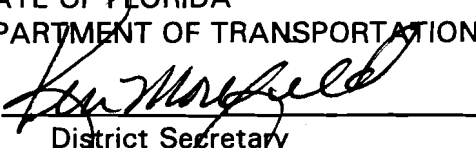
DATE: November 10, 1997

ATTEST: 

(Seal) J. M. Oxley, Jr.

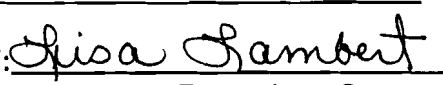
TITLE: Ex-Officio Clerk

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: 

District Secretary
District Two

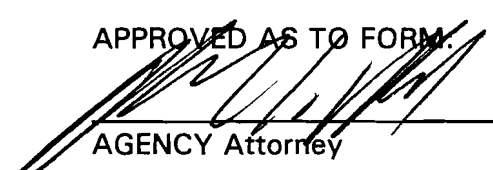
DATE: December 2, 1997

ATTEST: 

(Seal)

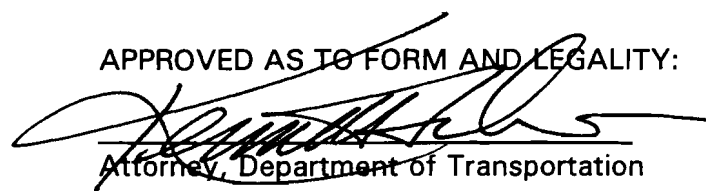
Executive Secretary

APPROVED AS TO FORM:


AGENCY Attorney

DATE: November 10, 1997

APPROVED AS TO FORM AND LEGALITY:


Attorney, Department of Transportation

DATE: 12/2/97

RESOLUTION NO. 97-212

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND NASSAU COUNTY, FLORIDA, REGARDING THE REPLACEMENT OF BRIDGE NO. 740025 (BRANDY BRANCH)

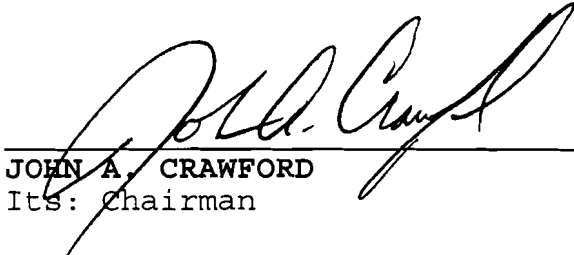
WHEREAS, the Department of Transportation is preparing to undertake a project which is known as the replacement of Bridge No. 740025 (Brandy Branch), located in Nassau County, Florida, which will be of benefit to the county; and

WHEREAS, upon completion and acceptance, Nassau County will assume responsibility for the maintenance in accordance with federally approved state standards.

NOW, THEREFORE, BE IT RESOLVED this 10th day of November, 1997, by the Board of County Commissioners of Nassau County, Florida, as follows:

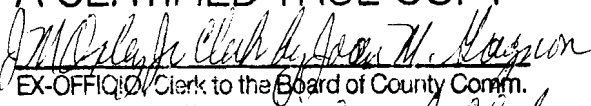
1. Nassau County agrees, after completion and acceptance, to assume the responsibility for maintenance of the Brandy Branch Bridge in accordance with federally approved state standards.
2. This Resolution shall take effect upon completion and acceptance of the project.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



JOHN A. CRAWFORD
Its: Chairman

A CERTIFIED TRUE COPY

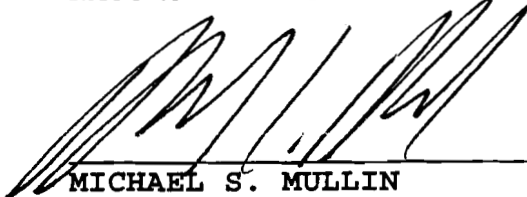

EX-OFFICIO Clerk to the Board of County Comm.
Nassau County, Florida


ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLIN



NASSAU COUNTY
BOARD OF COUNTY COMMISSIONERS
P.O. Box 1010
Fernandina Beach, Florida 32035-1010

Nick Deonas
John A. Crawford
Pete Cooper
Chris Kirkland
Marianne Marshall

Dist. No. 1 Fernandina Beach
Dist. No. 2 Fernandina Beach
Dist. No. 3 Yulee
Dist. No. 4 Hilliard
Dist. No. 5 Callahan

JOSEPH M. "Chip" OXLEY, JR.
Ex-Officio Clerk

MICHAEL S. MULLIN
County Attorney

WALTER D. GOSSETT
County Coordinator

November 26, 1997

Mr. James W. Killian
Transportation Statistics Administrator
Florida Department of Transportation
Post Office Box 1089
Mail Station 2014
Lake City, FL 32056-1089

Re: Brandy Branch Bridge Replacement, Bridge No. 740025
Maintenance Agreement
WPI No. 2128051, State Project No. 74000-3604-100
Federal No. BRF-2925-(1)

Dear Mr. Killian:

Enclosed are seven (7) copies of the executed maintenance agreement and Nassau County resolution No. 97-212 concerning the referenced project as approved and adopted by the Nassau County Board of County Commissioners.

Upon completion of the other approvals and execution, please return one copy for our file. We appreciate your assistance, and if we may furnish any additional information, please let us know.

Sincerely,

J. M. Oxley, Jr.
Ex-Officio Clerk

Jmg

Enclosures

CC: Walter D. Gossett
County Coordinator

(904) 225-2610 Board Room; 321-5703, 879-1029, (800) 958-3496

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FLORIDA

LAWTON CHILES
GOVERNOR



DEPARTMENT OF TRANSPORTATION

THOMAS F. BARRY, Jr.
SECRETARY

BOARD MEETING

DATE: 11/10 1997

ACTION: 5

INFO: _____

Post Office Box 1089
Mail Station 2014
Lake City, Florida 32056-1089

October 29, 1997

Mr. Walt Gossett, County Coordinator
Nassau County
416 Centre Street
Fernandina Beach, Florida 32034

**Subject: Brandy Branch Bridge Replacement, Bridge No. 740025
Maintenance Agreement
WPI No. 2128051, State Project No. 74000-3604-100
Federal No. BRF-2925-(1)**

Dear Mr. Gossett:

Enclosed for execution are seven (7) copies of a Maintenance Agreement. This Agreement details the terms and conditions for maintenance of the subject improvements which Nassau County is required to assume. Please do not date the Agreement on Page 1 as other approvals must be secured prior to establishing the execution date.

In addition to executing the attached Agreement, a resolution must be adopted and attached to each copy of the Agreement.

Your assistance in securing execution as soon as possible is appreciated. Should you have questions or need additional information please contact me at 1-800-749-2967, Extension 3682.

Sincerely,

James W. Killian
Transportation Statistics Administrator

JWK/jk

Attachment

CC: Mr. Joe Jordan, District Right of Way Administrator
Mr. Dave Sadler, Construction Engineer
Mr. Fred Wright, Design Engineer
Ms. Leena Patil, District Work Program Administrator
Ms. Barbara Cloud, Production Management

FLORIDA

LAMTON CHILES
GOVERNOR



DEPARTMENT OF TRANSPORTATION

THOMAS P. BARRY, Jr.
SECRETARY

Post Office Box 1089
Mail Station 2014
Lake City, Florida 32056-1089

December 5, 1997

Mr. J. M. Oxley, Jr., Ex-Officio Clerk
Nassau County
Post Office 1010
Fernandina Beach, Florida 32035-1010

**Subject: Brandy Bridge Replacement, Bridge No. 740025 100
Maintenance Agreement
WPI No. 2128051, State Project No. 74000-3604-100
Federal No. BRF-2925-(1)**

Dear Mr. Oxley:

Enclosed for your files is a fully executed copy of the Maintenance Agreement for the subject project.

Should you have questions or need additional information please contact me at 1-800-749-2967, Extension 3682.

Sincerely,

James W. Killian
Transportation Statistics Administrator

JWK/jk

Enclosure

CC: Mr. Joe Jordan, District Right of Way Administrator
Mr. Dave Sadler, Resident Construction Engineer
Mr. Fred Wright, Design Engineer
Ms. Leena Patil, District Work Program Administrator
Ms. Barbara Cloud, Production Management