

FLORIDA

LAWTON CHILES
GOVERNOR



DEPARTMENT OF TRANSPORTATION

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

BEN G. WATTS
SECRETARY

October 29, 1998

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

Subject: Maintenance Agreement
Financial Project ID: 212606-1-52-01
Work Program Item NO. (Old): 2128062
State Project No (Old): 74000-3605-912
Federal Project ID: BRF-2925-(2)
County/Section No.: Nassau/74000
Mill Creek Bridge Replacement, CR 121 over Mill Creek, Bridge No. 740049

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
Ms. George Carpenter, Design Engineer
Ms. Leena Patil, District Work Program Administrator
Ms. Barbara Cloud, Production Management

FM No. 212606-1-52-01

Job No. 74000-3605-912

Fed No. BRF-2925-(2)

MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this 12th day of October, 1998 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 Mill Creek Bridge Replacement, CR 121 over Mill Creek, Bridge Number 740049, FM No. 212606-1-52-01, State Project No. 74000-3605-912, 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, Nassau County, 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.

FM No. 212606-1-52-01 wk
~~WPI No. 2128062~~
Job No. 74000-3605-912
Fed No. BRF-2925-(2)
AGREEMENT DATE _____

AGENCY: NASSAU COUNTY

BY: _____

TITLE: Chairman

DATE: October 12, 1998

ATTEST: _____

J. M. "Chip" Oxley, Jr.

(Seal)

TITLE: Ex-Officio Clerk

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____

District Secretary
District Two

DATE: October 28, 1998

ATTEST: _____

Lisa Lambert
Executive Secretary

APPROVED AS TO FORM: _____

AGENCY Attorney
Michael S. Mullin

DATE: October 12, 1998

APPROVED AS TO FORM AND LEGALITY: _____

Attorney, Department of Transportation

DATE: 10/26/98

RESOLUTION NO. 98-158

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND NASSAU COUNTY, FLORIDA, REGARDING THE REPLACEMENT OF BRIDGE NO. 74009 (MILL CREEK)

WHEREAS, the Department of Transportation is preparing to undertake a project which is known as the replacement of Bridge No. 74009 (Mill Creek), 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 12th day of October, 1998, 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 Mill Creek 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



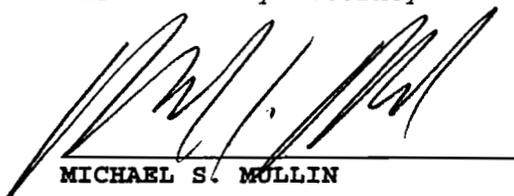
CHRIS KIRLAND
Its: Chairman

ATTEST:



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

Approved as to form by the
Nassau County Attorney:


MICHAEL S. MOLLIN

FLORIDA

LAWTON CHILES
GOVERNOR



DEPARTMENT OF TRANSPORTATION

THOMAS F. BARRY, JR.
SECRETARY

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

January 6, 1998

Mr. J. M. (Chip) Oxley, Ex-Officio Clerk
Nassau County
Post Office Box 1010
Fernandina Beach, Florida 32035-1010

**Subject: Swift Creek Bridge Replacement, CR 121 over Swift Creek, Bridge Number 740049
Maintenance Agreement
WPI No. 2128062, State Project No. 74000-3605-912
Federal No. BRF-2925-(2)**

Dear Mr. Oxley:

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. George Carpenter, Design Engineer
Ms. Leena Patil, District Work Program Administrator
Ms. Barbara Cloud, Production Management