

RESOLUTION NO. 39
COUNTY COMMISSIONERS RESOLUTION

On Motion of Commissioner J. W. Jones,
seconded by Commissioner Harry Poole, the
following resolution was adopted:

WHEREAS, the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION has temporarily available a revolving fund for the purpose of reserving moneys for counties to assist them in funding right-of-way on the Primary Road System; and

WHEREAS, the County is unable at this time to provide the necessary funds to acquire rights-of-way for the Primary Road System without restricting its Secondary Road Program; and

WHEREAS, in order for the County to participate in the Primary Right-of-Way Revolving Fund it is necessary for the County to enter into an agreement with the State of Florida Department of Transportation;

NOW THEREFORE, BE IT

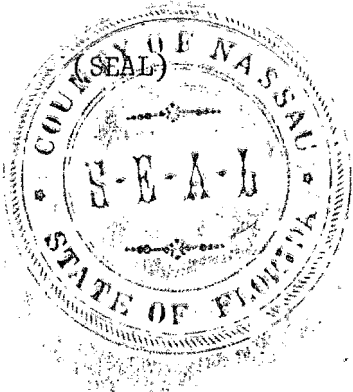
RESOLVED, that the County, through its Board of County Commissioners, is authorized and empowered to enter into agreements with the State of Florida Department of Transportation to participate in Primary Right-of-Way Revolving Fund.

STATE OF FLORIDA

COUNTY OF NASSAU

I HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution passed by the Board of County Commissioners of Nassau County, Florida, at a meeting held the 24th day of August, A. D., 1970, and recorded in the Commissioners Minutes.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 23rd day of September, A. D., 1970.




Clerk of the Board of County Commissioners



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Tallahassee, Florida 32304

EDWARD A. MUELLER
SECRETARY

Telephone (904) 599-6321

August 6, 1970

CLAUDE R. KIRK, JR.
GOVERNOR

Honorable James S. Stevens, Chairman
Board of County Commissioners
Nassau County
P. O. Box 77
Yulee, Florida 32097

Dear Chairman Stevens:

The Department of Transportation has established a Right of Way Revolving Fund which will make available to the counties some \$20 million for use in acquiring rights of way for primary roads. The fund was set up to provide relief to the counties which have had to restrict their secondary construction programs in order to support the Department's primary road program. These loans should permit you to increase the money available for secondary construction in your county.

The amount which your county may be eligible to borrow as well as other details and specific requirements for obtaining an advance from this fund are outlined in the attached material. A resolution and agreement are also attached to be executed by the county for payback of advances from this fund. Should your county be interested in participating in the program, please return the attached application to our District Engineer. He will then contact you concerning adjustments to your secondary program and execution of a resolution to support repayment of any advance.

Eligibility for advances from this fund is based on the amounts programmed for primary rights of way in Fiscal 1970-71, and on past and proposed support of the Department's primary construction program. If your county is determined to be not eligible for a loan this year, please indicate your interest to our District Engineer, as loans will be made in subsequent years as money becomes available.

We sincerely hope that this program will permit your county to get ahead in providing needed transportation facilities. It is always the policy of the Department of Transportation to assist the counties in any way possible toward this end.

Please let our District Engineer know if you have questions regarding this program.

Sincerely,

Edward A. Mueller, SECRETARY

EAM:hm

Enclosure

cc: District Engineer

RIGHT OF WAY REVOLVING FUND
(FACT SHEET)

The Right of Way Revolving Fund is being set up by the Department of Transportation in order to provide relief to counties which have had to restrict their secondary construction programs in order to support the Department in its primary road program. The advances are not additional money available to the counties, but are merely loans which will permit them to make more money available for secondary construction.

The amount available for a loan is that amount programmed during Fiscal Year 1970-71 for the purchase of primary rights of way. The county's secondary program budget must be amended to reflect the payback of any loan received.

Other requirements for obtaining an advance from this fund are as follows:

1. Paybacks must be programmed over a minimum of 4 years to avoid program disruption. Counties should be encouraged to use the secondary funds released by this loan to advance additional primary construction to the purchase of rights of way. However, the released secondary funds are not limited for this use alone, and may be used to pursue secondary construction projects. Paybacks will be based on amounts actually used at June 30 of each year.
2. Additional amounts will be made available in subsequent years in accordance with the same eligibility procedure.
3. A standard agreement for payback of this loan identifying specific right of way projects for which the money will be used will be required. A sample copy of this agreement is attached.
4. The agreement specifies that right of way attorneys will be supplied by the Department, or selected by them from a list of approved attorneys provided by the counties.
5. Overruns will be deducted from the county's secondary fund.
6. To be eligible for a loan from this fund, a county must have submitted a Five Year Plan of projects to the Department. Additional loans may be made in subsequent years as money becomes available in accordance with the eligibility procedure.
7. Should any county desire not to pursue this program, the primary right of way revolving funds will be made available to other counties in accordance with the eligibility rating procedure.

Following negotiations with District Engineers concerning the amount available to your county, 4 copies of the attached county commissioners' resolution should be executed and forwarded to the Bureau of Program Development, Management, and Scheduling, Dept. of Transportation, Tallahassee (32304), with copies to the District Engineer.

Should you have any questions concerning the Right of Way Revolving Fund program, please contact your District Engineer.

Application for Advance from
Department of Transportation
RIGHT OF WAY REVOLVING FUND

The County of NASSAU, having been advised of its eligibility for an advance of \$ 360,000 from the Right of Way Revolving Fund, hereby submits application for an advance of \$ 360,000 for acquisition of primary Right of Way on Project Number (see below), Department of Transportation Budget Item Number (see below)

Send To: Mr. J. D. Ward
District Engineer
Department of Transportation
P. O. Box 1089
Lake City, Florida 32205

<u>Budget Number</u>	<u>Project Number</u>
218008	74060-1504-010
218004	74040-1504-010
218005	74060-1503-010
218006	74060-1507-210
218007	74060-1506-010

A G R E E M E N T

This Agreement entered into this 24th day of August,
19 70 by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter
called "Department" and Nassau County through its Board
of County Commissioners, hereinafter referred to as "County".

W I T N E S S E T H :

WHEREAS, the Department has made temporarily available a revolving
fund to assist counties in acquiring primary right-of-way; and

WHEREAS, there can be an immediate and long-range savings in right-of-way
cost to the County and the Department; and

WHEREAS, the Department will reserve for the County an agreed upon
amount from the Primary Revolving Fund without interest or handling charges; and

WHEREAS, by Resolution dated the 24th day of August,
A. D., 19 70, the Board of County Commissioners of Nassau County
were authorized and empowered to enter into an agreement with the Department for
participation in the Primary Right-of-Way Revolving Fund;

NOW THEREFORE, for and in consideration of the mutual agreement herein
the parties agree as follows:

1. The County shall submit or shall have submitted to the Department
a five-year plan as required for the expenditure of Secondary Trust Fund Moneys,
and shall submit or shall have submitted a five-year plan for County Expenditures
on roads and bridges as provided in Section 334.21 (5), Florida Statutes.

2. Upon compliance with Paragraph 1 above, the Department will reserve
for Nassau County \$ 360,000 for acquisition of
primary right-of-way on Project No. (see below), said right-of-way cost
estimated to be \$ 614,000.

Project Number

74060-1504-010
74040-1504-010
74060-1503-010
74060-1507-210
74060-1506-010

3. In the event the above reserved amount is insufficient to cover total right-of-way costs for the aforementioned project the County hereby authorizes the Department to transfer to the Primary Revolving Fund out of the first funds available to the County in the Secondary Trust Fund the difference between the amount reserved and the actual cost of right-of-way. "Actual cost of right-of-way" shall include but not be limited to payment to the landowner, title searches, appraiser fees, court costs, and attorney fees.

4. The County shall repay the amount reserved to the Department in equal installments beginning in the next succeeding fiscal year; repayment to be within five (5) years.

5. The County will pay no interest on the amount reserved.

6. In the event the Legislature after the execution of this Agreement requires the Department to acquire primary right-of-way with unrestricted road funds then that portion of the reserve allocated to the County but unexpended on the date the law becomes effective shall not need to be repaid to the Department.

7. The County Commissioners of Nassau County shall submit to the Department a list of no less than three attorneys they recommend to be utilized in the condemnation proceedings for the acquisition of primary right-of-way for the above project. The Department shall select one or more of the recommended attorneys or may reject all and utilize the Department counsel. Attorney fees to those attorneys recommended by the County and utilized by the Department to represent the County or, in the event Department in-house counsel is utilized, shall be paid by the County as a cost of right-of-way in an amount equal to the current schedule utilized by the Department for the payment of County Attorneys in the state.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above mentioned.

STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION

(SEAL)

BY: _____
Director of Administration

_____ COUNTY
BY: *Charles S. Stevens*
Chairman, Board of County
Commissioners

(SEAL)

ATTEST: *Booby*
Clerk, Board of County
Commissioners