

RESOLUTION NO. 2004-155

A RESOLUTION AUTHORIZING THE EXECUTION OF THE MAINTENANCE AGREEMENT FOR THE PROJECT KNOWN AS "CONSTRUCTION OF BIKE PATH ON 14TH STREET FROM AMELIA ISLAND PARKWAY TO SADLER ROAD."

WHEREAS, the Florida Department of Transportation desires the execution of a Maintenance Agreement for the Project known as "Construction of Bike Path on 14th Street from Amelia Island Parkway to Sadler Road", Financial Project ID: 212577-2-52-01, Federal Project ID 7777 118 A.

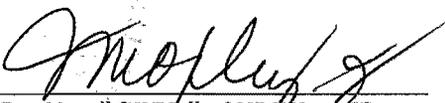
NOW, THEREFORE, BE IT RESOLVED this 11th day of October, 2004 by the Board of County Commissioners of Nassau County, Florida, that the Chairman of the Board of County Commissioners is hereby authorized to execute the Maintenance Agreement between the Board of County Commissioners of Nassau County, Florida, and the Florida Department of Transportation for the Project known as "Construction of Bike Path on 14th Street from Amelia Island Parkway to Sadler Road."

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



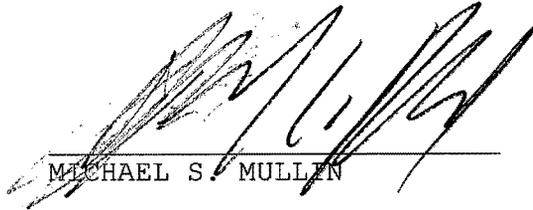
FLOYD L. VANZANT
Its: Chairman

ATTEST:



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

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLEN

MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, hereinafter called the "DEPARTMENT" and the NASSAU COUNTY, FLORIDA, hereinafter called the "AGENCY".

WITNESSETH

WHEREAS, the DEPARTMENT is preparing to undertake a project which is known as the construction of a Bike Path on 14th Street from Amelia Island Parkway to Sadler Road in Nassau County, Florida, Financial Project ID: 212577-2-52-01, which will be of benefit to the AGENCY; and

WHEREAS, the Agency, by Resolution No. 2004-155, a copy of which is attached hereto as Exhibit "B", and made a part hereof, has authorized its officers to execute this Agreement on its behalf; and

WHEREAS, the project requires agreement by the AGENCY to maintain the section of the Bike Path on 14th Street from Amelia Island Parkway to Sadler Road in Nassau County, Florida.

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

1. The DEPARTMENT will undertake the project and obtain federal approval for participation.
2. Upon completion and acceptance the AGENCY will assume responsibility for maintenance.
3. If there is evidence of historical or archaeological resources that could be adversely impacted, the AGENCY agrees to maintain the resources in accordance with Cultural Resource Management Coordinator (CRMC) recommendations.
4. 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 of 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.

NASSAU COUNTY BOARD OF
COUNTY COMMISSIONERS

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: *Floyd Vanzant*
TITLE: Chairman

BY: _____
District Secretary
District 2

DATE: _____

DATE: _____

ATTEST: *J. M. Oxley, Jr.*
J. M. Oxley, Jr. (Seal)
TITLE: Ex-Officio Clerk

ATTEST: _____
Executive Secretary (Seal)

APPROVED AS TO FORM:

APPROVED AS TO FORM AND
LEGALITY:

Michael S. Mullin
Attorney Michael S. Mullin, Esquire
Nassau County Attorney

Office of District 2 General Counsel

DATE: _____

DATE: _____