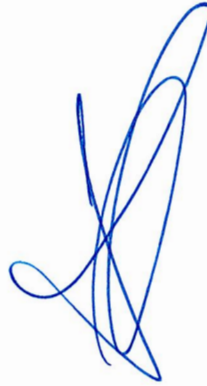


MEMORANDUM

March 11, 2021

TO: City Commission

CC: Greg Harrison, City Manager
Suzette Sibble, Assistant City Manager
Brian Donovan, Assistant City Manager
Earl Bosworth, Assistant City Manager



FROM: Horacio Danovich, GO Bond and Innovation District Director

Issue

Staff is seeking City Commission approval of a Resolution to execute a Construction Agreement No.: 2021-C-491-00001 with the Florida Department of Transportation (FDOT) (See Exhibit "A"). This agreement is necessary as the City must observe specific design and construction requirements for proposed improvements at the intersection of Atlantic Boulevard and NW 6th Avenue, area owned and controlled by FDOT (see Location Map).

Recommendation

Staff recommends Approval of the Resolution.

Background

In March 2018, via voter referendum, a General Obligation (GO) Bond was approved. Included in the bond is a project known as "Dixie Highway Improvements." The project entails streetscape work on Dixie Highway from McNab Road to Sample Road, and along Atlantic Boulevard from NW 6th Avenue to Cypress Road. The section abutting the west property line of NW 6th Avenue at the intersection of Atlantic Boulevard belongs to FDOT. The City's road diet and roadway realignment design requires transitioning from FDOT-owned property to City-owned property to allow for a smooth merging of vehicular traffic.

FDOT's standard procedures requires entering into a Construction Agreement that spells out the City's duties to observe applicable FDOT construction practice. The City Attorney's office reviewed FDOT's agreement outlining their request and found the document to be consistent with previous agreements.



CITY MANAGER'S OFFICE

Horacio Danovich, GO Bond & Innovation District Director

E: horacio.danovich@copbfl.com | P: 954.786.7834 | F: 954.786.7836

In addition, this agreement is necessary to except provisions outlined in two (s) previous agreements entered into between both agencies from provisions in section 23 of the new agreement. The previous agreements are: 1) **Roadway Transfer Agreement** dated 4/19/2016 (Exhibit "B"); 2) **Landscape Maintenance Memorandum of Agreement** dated 12/05/2007 (Exhibit "C").

Per the new agreement, FDOT agrees to waive a payment and performance bond. FDOT and Horacio Danovich – City's GO Bond and Innovation District Director (Construction Coordinator) acting on behalf of the City may extend the completion date, if mutually agreed to in writing. And, nothing in the agreement shall be interpreted as waiving the Construction Coordinator's sovereign immunity protection as set forth in Section 768.28, Florida Statutes.

Based on the City Attorney's review and staff's understanding of FDOT's conditions as outlined in the agreement, approval of this Resolution is hereby recommended.