

Dwayne Guthrie

From: William Clague
Sent: Tuesday, June 06, 2017 10:42 AM
To: Dwayne Guthrie
Cc: Mitchell Palmer; Alex Nicodemi; Dan Schlandt; John Osborne; Sia Mollanazar
Subject: Buffalo/Moccasin Wallow Road Agreement; RLS-2017-0299
Attachments: Agr - Buffalo Rd-Moccasin Wallow Rd CAO Comments 6.6.17.pdf

Sia:

Pursuant to the above Request for Legal Services you have asked this office to review a draft agreement for relocation and improvement of a portion of Buffalo Road / Moccasin Wallow Road. I provide the following advice in response:

1. Attached is a marked draft of the agreement reflecting my suggested changes.
2. I have renamed the agreement an "Agreement for Relocation and Improvement of Buffalo Road / Moccasin Wallow Road". The references to a public-private partnership and to an impact fee credit authorization are not appropriate in the title of the agreement.
3. I have flagged several provisions in the recitals that should be moved to the body of the agreement because they constitute operative provisions that impose obligations on the parties.
4. In Section II.1, I have suggested defining the "Scope of Services" by reference to an exhibit, rather than to the agreement itself. The existing exhibits were not included in the RLS, so I am not in a position to advise whether Exhibit C can serve as the Scope, or whether a new Exhibit D should be prepared.
5. In Section IV.2, I have flagged the reference to "stormwater facilitates". Please confirm that these serve only the County's roads. Otherwise, only the portion of the facilities that serve the County's roads should be impact-fee-creditable.
6. In Section IV.3, I have flagged the reference to "reasonable administrative costs", as it is unclear to me whether this is an impact-fee-creditable item. Please give me a call to discuss this before proceeding.
7. I have also suggested numerous changes for clarity, consistency and accuracy.

Subject to the inclusion of my suggested changes, and the resolution of the issues described above, I have no objection from a legal standpoint to the agreement being scheduled for consideration and approval by the Board.

This concludes my responses to the RLSs.

Bill Clague
Assistant County Attorney
Manatee County, Florida
ph. 941-745-3750
fx. 941-749-3089
william.clague@mymanatee.org