

File:	
Assigned To:	

**REQUEST FOR LEGAL SERVICES**

**TO:** Mitchell O. Palmer, County Attorney

**AUTHORIZED BY:** Ron Schulhofer, Director Public Works, Paul Alexander, Director ITS Dept.

**SUBJECT:** Moccasin Wallow Road and US 41 Post Project Maintenance Agreement for project #435369-1-52-01 between Florida Department Of Transportation (FDOT) and Manatee County

**CONTACT PERSON:** Sia Mollanazar, P.E., Deputy Director – Engineering Services, Public Works

**DATE:** February 28, 2018

**PROJECT #: FPID 435369-1-52-01 Moccasin Wallow Road Turn Lane, Agreement to Maintain, Post Construction**

<b>Service Required:</b> (please circle or underline)		
<u>Review Documents</u>	Draft Document	<u>Written Opinion Requested</u>
Attend Meetings	Advise	Other:

**1. Brief statement of the nature of the request or problem:**

We are requesting a legal review of a standard FDOT Agreement form for acceptance of maintenance associated with FDOT construction of a left turn lane at County request on Moccasin Wallow Road.

**2. Discussion of the implications and the possible impact if not apparent from preceding information:**

The County often enters into standard FDOT agreements required as a condition of construction of additional roadway improvements that promote safety on the roadways in Manatee County. Review by legal staff is necessary to ensure the terms and conditions are acceptable to the County prior to sending it to the BOCC for execution. The County recently authorized a similar agreement for Public Works at Ellenton Gillette Road and 69<sup>th</sup> Street East through CAO Matter No. 2016-0365.

**3. Time considerations and their significance:**

The FDOT project #435369-1-52-01, which involves construction of the left turn lane on Moccasin Wallow Road, is currently at 100% design and the County should enter into an agreement for maintenance no later than the middle of April 2018. Staff seeks to schedule this agreement on the April 10, 2018 Board meeting and therefore would need a response by the end of March 2018 or sooner in case revisions are necessary. **If this agreement is not executed by the FDOT deadlines according to the current schedule (April 2018), then the opportunity to have the turn lane constructed will be lost.**

4. **Factual background:** The County often works with FDOT to get safety improvements constructed with their road projects. It is often more efficient for the County to enter into an agreement with FDOT for the FDOT construction contractor to do the construction of a County road and to add improvements when they add to the safety of the traveling public.
  
5. **List and/or attach related documents and known authorities (i.e., statute, ordinance, resolution, administrative code, legal case, contract, lease, letter, memorandum, prior legal opinion, etc.).**  
Prior legal opinion for Public Works at Ellenton Gillette Road and 69<sup>th</sup> Street East through CAO Matter No. 2016-0365.
  
6. **Relevant prior legal assistance:** The County recently authorized a similar agreement for Public Works at Ellenton Gillette Road and 69<sup>th</sup> Street East through CAO Matter No. 2016-0365.
  
7. **Name and telephone number of other interested or opposing parties or their counsel:**  
FDOT representative associated with the agreement, Zoe Giannopoulos, Local Program Specialist,  
FDOT | District One  
801 North Broadway Avenue MS 1-50  
Bartow, Florida 33830  
Phone: (863) 519-2916 | Fax: (863) 519-2775  
Email: [Zoe.Giannopoulos@dot.state.fl.us](mailto:Zoe.Giannopoulos@dot.state.fl.us)