



## OFFICE OF THE COUNTY ATTORNEY

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### MEMORANDUM

DATE: March 7, 2018

TO: Sia Mollanazar, P.E., County Engineer, Deputy Director, Engineering Services Division, Public Works Department

THROUGH: Mitchell O. Palmer, County Attorney *MOP 3-7-18*

FROM: Pamela J. D'Agostino, Assistant County Attorney *PJD 3-7-2018*

RE: **Moccasin Wallow Road and US 41 Post Project Maintenance Agreement for Project #435369-1-52-01 between the Florida Department of Transportation (FDOT) and Manatee County; CAO Matter No. 2018-0120**

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#### Issue Presented:

You have asked this office to review a standard FDOT agreement form.

#### Brief Answer:

The standard FDOT agreement form has been reviewed. Please see the Discussion section below for revisions which staff should attempt to secure to this form agreement. The County can (1) enter into this agreement as written, (2) request that the FDOT revise the agreement in accordance with the recommendation below or (3) elect not to enter into this agreement. The decision as to whether to enter into the agreement is a business decision which the Board of County Commissioners of Manatee County, Florida, (Board) has the authority to make.

This standard FDOT agreement form requires an accompanying resolution which must be drafted by staff prior to presentation of this matter to the Board.

\* Board Certified in Construction Law

\*\* Board Certified in City, County, & Local Government Law

Recommendation:

It is recommended that staff ask the FDOT to make some very minor edits to the agreement.

Discussion:

The FDOT is proposing to widen Moccasin Wallow Road and provide for an exclusive left turn lane on the east approach. These improvements will be funded by the FDOT, but to initiate the project, the FDOT requires the County to enter into a maintenance agreement for the improvements. The agreement is a standardized form with some variations to the language, however it remains substantially similar to other agreements which the FDOT has presented to the County.

*Introductory Paragraph*

Staff should ask the that the agreement be modified such that the County is identified as "MANATEE COUNTY, a political subdivision of the State of Florida" in the first paragraph of the agreement.

*Signature Block*

Staff should ask the FDOT to revise the County's signature block to appear as follows:

**MANATEE COUNTY, a political  
subdivision of the State of Florida**

**By: its Board of County Commissioners**

By: \_\_\_\_\_  
Chairperson

Date: \_\_\_\_\_

ATTEST: ANGELINA COLONNESO  
CLERK OF CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

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Conclusion:

This office has reviewed the agreement, recommended that minor revisions be made prior to execution and advised staff of the necessary accompanying resolution which must be drafted. The decision to enter into this agreement is a business decision for the Board.

This completes my response to your Request for Legal Services. Please contact me if you have any questions or if I can be of further assistance.

Copies with attachments to:

Ed Hunzeker, County Administrator  
Dan Schlandt, Deputy County Administrator  
Cheri Coryea, Deputy County Administrator  
John Osborne, Infrastructure Strategic Planning Official  
Ron Schulhofer, Director, Public Works Department  
Sage Kamiya, P.E., Deputy Director, Traffic Management, Public Works Department  
Chad Butzow, P.E., Deputy Director, Field Operations Services, Public Works Department  
Michele Hummel, Senior Administrative Specialist, Public Works Department