

## **RESOLUTION 21-**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AUTHORIZING THE COUNTY TO ENTER INTO CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF IMPROVEMENTS TO SE 185<sup>th</sup> AVENUE, SE 165<sup>th</sup> AVENUE, COUNTY ROAD 346, COUNTY ROAD 234 E, NE CHOLOKKA BOULEVARD, AND COUNTY ROAD 234 W IN ASSOCIATION WITH THE STATE ROAD 25/US 441 PROJECT; AUTHORIZING THE CHAIR TO EXECUTE THE AGREEMENT; AUTHORIZING THE COUNTY MANAGER, PUBLIC WORKS DIRECTOR OR COUNTY ENGINEER TO EXECUTE ANY SUPPLEMENTAL AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the State of Florida Department of Transportation (FDOT) and the County desire construction of improvements to State Road 25/US 441, SE 185<sup>th</sup> Avenue, SE 165<sup>th</sup> Avenue, County Road 346, County Road 234 E, NE Chokolka Boulevard, and County Road 234 W (collectively "County Roads"), Alachua County, FL; and

**WHEREAS**, County Roads are owned and maintained by Alachua County Board of County Commissioners (Board); and

**WHEREAS**, FDOT has requested the County to execute and deliver a Construction & Maintenance Agreement for the construction of improvements to County Roads;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA;**

1. The Board finds that the construction services to be provided by the FDOT under the Construction and Maintenance Agreement, at no cost to the County, are in the best interest of the County. The Board further finds that agreeing to indemnify the FDOT, as provided for in the Construction and Maintenance Agreement, creates only a low probability of an incident that will expose the

County to financial liability. Therefore, the Board waives the County's Policy against contractual indemnity set forth in Resolution 2014-33. However, the County does not waive any defense of sovereign immunity, nor does it increase the limits of its liability under §768.28, Florida Statutes, by waiving its policy or by entering into the Construction and Maintenance Agreement.

2. The Board hereby agrees to enter in the Construction and Maintenance Agreement.
3. The Board authorizes the Chair to execute the Construction and Maintenance Agreement.
4. The Board authorizes the County Manager, Public Works Director and County Engineer to execute any subsequent Supplemental Agreements with FDOT that are necessary or convenient to the construction of the improvements to County Roads, will not lease or convey real property, and that will result in no additional costs to the County.
5. A certified copy of this Resolution will be forwarded to FDOT with the executed agreement.
6. This resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** in regular session, this \_\_\_\_day of \_\_\_\_\_,  
2020.

**COMMISSIONERS**  
SEAL

**BOARD OF COUNTY**  
**ALACHUA COUNTY, FLORIDA**

By: \_\_\_\_\_  
Ken Cornell, Chair

ATTEST:

\_\_\_\_\_  
J.K. "Jess" Irby, Esq.  
Clerk of Court

APPROVED AS TO FORM:

---

County Attorney