

## **RESOLUTION 20-**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AUTHORIZING THE COUNTY TO ENTER INTO A CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION AND MAINTENANCE OF FLASHING WARNING LIGHTS, VARIOUS SIGNS AND PAVEMENT MARKINGS, AND CONCRETE POLES AT THE INTERSECTION OF COUNTY ROAD 235 AND NW 94<sup>TH</sup> AVENUE; AUTHORIZING THE CHAIR TO EXECUTE THE CONSTRUCTION AND MAINTENANCE 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 to facilitate construction of intersection safety improvements at the intersection of County Road 235 and NW 94<sup>th</sup> Avenue in Alachua County, FL; and

**WHEREAS**, FDOT has approved funds to design and construct the intersection safety improvements at the intersection of County Road 235 and NW 94<sup>th</sup> Avenue; and

**WHEREAS**, FDOT has requested the County to execute and deliver a Construction and Maintenance Agreement for the maintenance of the intersection safety improvements at the intersection of County Road 235 and NW 94<sup>th</sup> Avenue;

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

1. The Board hereby agrees to enter in the Construction and Maintenance Agreement for the intersection safety improvements at the intersection of CR 235 and NW 94<sup>th</sup> Avenue. 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 authorizes the Chair to execute the Construction and Maintenance Agreement.
3. A certified copy of this Resolution will be forwarded to FDOT with the executed 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. This resolution shall take effect immediately upon its adoption.

**DULY ADOPTED** in regular session, this \_\_\_\_ day of \_\_\_\_\_, A.D., 2020.

SEAL

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

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

ATTEST:

\_\_\_\_\_  
J.K. Irby, Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney