



## Legislation Details (With Text)

**File #:** 19-0560      **Version:** 1      **Name:**  
**Type:** Consent Item      **Status:** Agenda Ready  
**File created:** 10/10/2019      **In control:** Board of County Commissioners  
**On agenda:** 11/12/2019      **Final action:**  
**Title:** FDOT Agreement for NW 23rd Ave  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. MAP 190624 NW 23rd Ave Widening.pdf, 2. Agreement NW 23rd Ave Revised.pdf, 3. Resolution .pdf, 4. Engagement Survey.pdf

Date	Ver.	Action By	Action	Result
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### Agenda Item Name:

FDOT Agreement for NW 23rd Ave

### Presenter:

Ramon D. Gavarrete, P.E., Public Works Director & Brian M. Singleton, PE, Assistant Public Works Director

### Description:

Request approval of an FDOT agreements for NW 23rd Ave from NW 55th St to I-75.

### Recommended Action:

That the Board waive the County's Policy against contractual indemnity set forth in Resolution 2014-33, and adopt the attached Resolution approving and authorizing the Chair to sign the County Incentive Grant Program Agreement for NW 23rd Ave.

### Prior Board Motions:

February 14, 2017 - Direct staff to proceed with grant application by submitting the development of NW 23rd Avenue - Option 2 - Two Lane with wide median and turn lanes.  
March 26, 2019 - Board adopted Resolution 19-35 approving the typical section and alignment for the NW 23rd Ave project.  
May 28, 2019 - Board approved budget amendment allocating additional funds for the design phase of the project.  
August 27, 2019 - Board adopted Resolution 19-85 authorizing the County to enter into an funding agreement for NW 23<sup>rd</sup> Ave.

### Fiscal Consideration:

Project: 9177914 - Fund 336 & 329  
NW 23rd Ave (project 9177914) has \$1.2M in local funds available in the account for the design & right-of-way phase. The FDOT grant provides an additional \$1.2M.

**Background:**

The Board approved an agreement with FDOT for NW 23<sup>rd</sup> Ave on August 27, 2019 which was not executed by FDOT. FDOT has requested the County to execute a new agreement for the project that provides the \$1.2M in one fiscal year opposed to spread out over two years as with the previously approved agreement. No other terms and conditions have been revised.

The NW 23rd Avenue project is a corridor rehab from NW 55th St to I-75. The Board approved the typical section for the project on February 17, 2019. The project is entering into the right-of-way and design phase; FDOT is providing \$1.2M for this phase of work.

FDOT requires a resolution to authorize execution of the agreements. The agreements require the County to indemnify FDOT for actions of the County. Alachua County Resolution 2014-33, relating to contractual indemnification by the County, specifies that the County does not indemnify contracted parties; therefore the BoCC must waive this policy in order for the BoCC to approve these agreements. By accepting the indemnification language and approving the agreements, the County will receive over \$1.2 million in project funds. The resolution also authorizes the County Manager or Public Works Director to execute any future Agreements related to the project; this authorization will reduce staff time and eliminate the delay of receiving refunds from the FDOT. Any Agreement approved by the County Manager or Public Works Director will be reported to the BoCC.