

SECTION No.: Various Locations
FM No.: 431770-5-52-01
AGENCY: City of Hollywood
C.R. No.: Various Locations

**DISTRICT FOUR
HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT**

THIS AGREEMENT, made and entered into this _____ day of June, 2018, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, a component agency of the State of Florida, hereinafter called the DEPARTMENT and the City of Hollywood, a political subdivision of the State of Florida, or a municipal corporation existing under the Laws of Florida, hereinafter called the AGENCY.

W I T N E S S E T H:

WHEREAS, the AGENCY has jurisdiction over SR 820/ Hollywood Blvd. as part of the City of Hollywood Roadway System from East of 28th Avenue to South 26th Avenue and Local Roads, as outlined;

- North and South Park Road, from Washington Street to Johnson Street,
- 35th Avenue from South Rainbow Drive to Johnson Street,
- Fillmore Street from 62 Avenue to SR 7/US 441,
- Intersections of Polk Street and Van Buren Street at 24th Avenue,
- Polk Street from North 56th Ave to North Circle Drive,
- North and South Rainbow Drive from North and South Circle Drive to North and South 35th Avenue,
- North and South Circle Dr. from Polk St to North and South Rainbow Drive,
- Van Buren Street from South 56th Ave to South Circle Drive;

and

WHEREAS, pursuant to Sections 339.07, 339.08 and 339.12, Florida Statutes and Federal funding provisions the DEPARTMENT is authorized to undertake projects within the AGENCY geographical limits and the AGENCY is desirous of having this improvement constructed; and

WHEREAS, in accordance with Title 23, U.S. Code, Section 116 and Federal Highway Administration regulations issued pursuant thereto, there must be an agreement from the AGENCY to maintain the project; and

WHEREAS, pursuant to such authority, the DEPARTMENT and the AGENCY are desirous of having the DEPARTMENT construct certain improvements more particularly described as Financial Project ID 431770-5, which involves ADA upgrades, milling & resurfacing, drainage improvements, extend turn lane lengths, pedestrian signal improvements, sidewalk improvements, and accommodation of bike lanes & shared use lanes; hereinafter referred to as the "Project", as more particularly described in **Exhibit A**; and

WHEREAS, the DEPARTMENT may not spend state funds for Off-system projects; and

WHEREAS, pursuant to that certain Utility Work by Highway Contractor/UWHC between the AGENCY and the DEPARTMENT and all subsequent amendments thereto, the DEPARTMENT is relocating the water main.

WHEREAS, upon acquisition of the necessary right-of-way, if needed, the DEPARTMENT will proceed to construct the Project; and

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the AGENCY by Resolution on the 15th day of November, 2017, a copy of which is attached hereto and by this reference made a part hereof, desires to enter into this Agreement and authorizes its officers to do so;

NOW THEREFORE, for and in consideration of the mutual benefits to flow each to the other, the parties covenant and agree as follows:

1. The DEPARTMENT has undertaken and obtained the approval of Federal participation for the Project, as more particularly described in **Exhibit A**. The AGENCY is responsible for additional Project costs determined to be Federal Aid Non-Participating.
2. The AGENCY shall allow the DEPARTMENT and its contractors to enter onto the existing AGENCY property, including easements on property acquired by the DEPARTMENT, to construct this Project. No further permit or agreement shall be required to construct this Project. The AGENCY shall satisfy any tree permit obligation imposed by Broward County.
3. The AGENCY shall continue to maintain the existing roadway and any property owned by AGENCY until the DEPARTMENT begins construction of the Project. The AGENCY shall continue to be responsible for Mowing and Litter Removal during the duration of the Project.
4. It is understood and agreed by the parties that upon “final acceptance” by the DEPARTMENT of the Project, (as that term is described in the Standard Specifications for Roadway and Bridge Construction dated 2017, as amended by contract documents), and Notice thereof to the AGENCY, the AGENCY shall be responsible for maintenance of said Project, at its own cost, in accordance with the following Federally and State accepted standards and all costs related thereto: (a) FDOT Design Manual, current edition, (b) Florida Green Book dated 2016, as amended (c) Governing standards and specifications: FDOT Standards Plans dated FY 2018-19, as amended (d) Standard Specifications for Roadway and Bridge Construction dated 2016, as amended by contract documents, and (e) Manual on Uniform Traffic Control Devices (MUTCD), current edition, or as amended. Maintenance of said Project includes, but is not limited to,
 - N Park Road from Hollywood Blvd to Johnson Street: widening to construct 4’ bike lanes with 1’ buffer.
 - S Park Road from Hollywood Blvd to Washington Street: widening to construct 4’ bike lane with 1’ buffer.
 - 35th Avenue from S Rainbow Drive to Johnson Street: Sharrows or shared bicycle lanes on existing roadway.

- Fillmore Street from 62nd Avenue to SR 7: construct 5' sidewalk where missing.
- Intersection of Polk Street and N 24th Avenue: ADA ramps, crosswalk stripping, countdown pedestrian signal and lighting upgrade.
- Intersection of Van Buren Street and S 24th Avenue: ADA ramps, crosswalk stripping, countdown pedestrian signal and lighting upgrade.
- Hollywood Blvd, East of 28th Avenue: mid-block crossing safety upgrades.
- Polk Street from N 56th Avenue to N Circle Drive: Sharrows or shared bicycle lanes on existing roadway.
- N Rainbow Drive from N Circle Drive to N 35th Avenue: Sharrows or shared bicycle lanes on existing roadway.
- N Circle Drive from Polk Street to N Rainbow Drive: Sharrows or shared bicycle lanes on existing roadway.
- Van Buren Street from 56th Avenue to S Circle Drive: Sharrows or shared bicycle lanes on existing roadway.
- S Rainbow Drive from S Circle Drive to dead end: Sharrows or shared bicycle lanes on existing roadway.
- S Circle Drive from Van Buren Street to S Rainbow Drive: Sharrows or shared bicycle lanes on existing roadway.

The AGENCY grants herein to the DEPARTMENT all rights necessary to enter and construct the Project.

5. No additional right of way is required for the PROJECT. The PROJECT can be completed within the AGENCY's public right of way.
6. Warranties: The DEPARTMENT shall transfer any applicable warranties to the AGENCY.
7. Environmental permitting: If requested by the DEPARTMENT, the AGENCY shall sign as a joint applicant and be responsible for the permits related to the Project. Further the AGENCY shall be in compliance with all permits after the construction is complete and the right of way is transferred to the AGENCY. To the extent permitted by law, the AGENCY shall indemnify the DEPARTMENT for any violations by the AGENCY of any permits issued to the Department or jointly to the AGENCY and the DEPARTMENT after construction is complete. The AGENCY shall execute all documentation required by the permitting agencies in a timely manner to accept transfer of the Project. For various occupancy permits the AGENCY shall be the applicant.
8. Utilities: The AGENCY shall cooperate with the DEPARTMENT, to the extent necessary, to accomplish utility relocations for this Project. This shall include, but not be limited to, entering into utility subordination agreements with the affected utility owners, thereby assuming liability for future utility relocations within the AGENCY right of way and proposed right of way. This shall also include having the AGENCY require the Utility to relocate or adjust if the utility is there by permit, as necessary.

- AGENCY’S Utilities: The AGENCY shall be responsible for relocating and adjusting its own utilities including connection with utility customers.
9. Signals: The AGENCY shall cooperate with the DEPARTMENT, to the extent necessary, to affect signal and interconnect connections for the Project.
10. Drainage: The AGENCY shall cooperate with the DEPARTMENT, to the extent necessary, to accomplish the improvements in this project.
11. Unforeseen issues: If unforeseen issues shall arise, the AGENCY shall cooperate with the DEPARTMENT, to the extent necessary, in order to construct the Project including but not limited to executing documents, allowing the DEPARTMENT or its contractor to enter into any real property owned, possessed and controlled by the AGENCY or any other Occupancy right the AGENCY may have.
12. E-verify requirements: The AGENCY:
- shall utilize the U.S. Department of Homeland Security’s E-Verify system to verify the employment eligibility of all new employees hired by the AGENCY during the term of the contract; and
 - shall expressly require any contractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security’s E-Verify system to verify the employment eligibility of all new employees hired by the contractor during the contract term.
13. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings as represented in the Final Proposed Construction plans. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written.
14. This Agreement shall be governed, interpreted and construed according to the laws of the State of Florida.
15. LIST OF EXHIBITS
- **Exhibit A:** Project Scope

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(SEE ATTACHED SIGNATURE PAGE)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year provided below.

AGENCY

ATTEST:

City of Hollywood, through its
BOARD OF CITY COMMISSIONERS

By: _____

_____ day of _____, 20____

Approved as to form by Office of City Attorney

By: _____

DEPARTMENT

ATTEST:

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

Executive Secretary
(SEAL)

By: _____
Transportation Development Director

_____ day of _____, 20____

Approval:

Office of the General Counsel (Date)

**HIGHWAY MOA WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)
FOR THE CONSTRUCTION OF SIDEWALK AND BICYCLE MOBILITY
IMPROVEMENTS PROJECT NOS. 431770-5-52-01 AND 431770-5-52-02.**

The City of Hollywood, a municipal
corporation of the State of Florida

By: Josh Levy, Mayor

Attest: _____
Patricia A. Cerny, MMC, City Clerk

Approved by: _____
Cintya Ramos,
Director of Financial Services

APPROVED AS TO FORM & LEGAL
Sufficiency for the use and reliance of the
CITY OF HOLLYWOOD, FLORIDA only:

Douglas R. Gonzales, City Attorney

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EXHIBIT A

PROJECT SCOPE

All of the improvements are to be completed by DEPARTMENT within the AGENCY's existing right-of-way.

- N Park Road from Hollywood Blvd to Johnson Street: widening to construct 4' bike lanes with 1' buffer.
- S Park Road from Hollywood Blvd to Washington Street: widening to construct 4' bike lane with 1' buffer.
- 35th Avenue from S Rainbow Drive to Johnson Street: Sharrows or shared bicycle lanes on existing roadway.
- Fillmore Street from 62nd Avenue to SR 7: construct 5' sidewalk where missing.
- Intersection of Polk Street and N 24th Avenue: ADA ramps, crosswalk stripping, countdown pedestrian signal and lighting upgrade.
- Intersection of Van Buren Street and S 24th Avenue: ADA ramps, crosswalk stripping, countdown pedestrian signal and lighting upgrade.
- Hollywood Blvd, East of 28th Avenue: mid-block crossing safety upgrades.
- Polk Street from N 56th Avenue to N Circle Drive: Sharrows or shared bicycle lanes on existing roadway.
- N Rainbow Drive from N Circle Drive to N 35th Avenue: Sharrows or shared bicycle lanes on existing roadway.
- N Circle Drive from Polk Street to N Rainbow Drive: Sharrows or shared bicycle lanes on existing roadway.
- Van Buren Street from 56th Avenue to S Circle Drive: Sharrows or shared bicycle lanes on existing roadway.
- S Rainbow Drive from S Circle Drive to dead end: Sharrows or shared bicycle lanes on existing roadway.
- S Circle Drive from Van Buren Street to S Rainbow Drive: Sharrows or shared bicycle lanes on existing roadway.

Signing and Pavement Markings will be provided to facilitate the addition of bike lanes, shared lane markings (sharrows), and pedestrian needs at several locations.

Drainage: Provide Drainage for additional improvements impacts without upgrades to existing drainage conditions on project (29-A) N Park Road and one for (29-B) S Park Road, reshape swales for compensating the loss of the storage in the following projects and design French drains to offset loss of storage , where applicable.

Permits: The AGENCY will not require Tree permits, Driveway permits, or building permits from FDOT.