

RESOLUTION NO. 04-149

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) UTILITY WORK BY HIGHWAY CONTRACTOR MASTER AGREEMENT (AT CITY AND FDOT EXPENSE COMBINED) FOR ADJUSTMENT OF UTILITIES REQUIRED ON VARIOUS FDOT PROJECTS AS REQUIRED FOR COMPLIANCE WITH STANDARD PERMIT CONDITIONS FOR CITY-OWNED AND OPERATED FACILITIES LOCATED WITHIN FDOT RIGHTS-OF-WAY AND IMPACTED BY PROPOSED ROADWAY IMPROVEMENTS; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.

WHEREAS, the City of Daytona Beach has to repeatedly execute standard Utility Work Agreements for each project where the City maintains facilities within FDOT controlled rights-of-way; and

WHEREAS, the Utility Work Agreements contain standard conditions that must be accepted during the FDOT permit process and all utilities having facilities in the FDOT rights-of-way, where road improvements are proposed, are required to enter into these project specific agreements unless a Master Agreement is on file; and

WHEREAS, the Florida Department of Transportation Utility Work by Highway Contractor Master Agreement is intended for use on FDOT projects wherein the City elects to incorporate the necessary utility adjustment work into the FDOT's contract documents for eventual utility related work to be performed by the Highway Contractor who is awarded the project by FDOT and the City staff feels that execution of this Agreement, which does not interfere with funding authorization or procurement policies, would provide a more efficient method of handling the utility work authorizations; and

WHEREAS, the Public Works Director recommends the City enter into the Florida Department of Transportation Utility Work by Highway Contractor Master Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

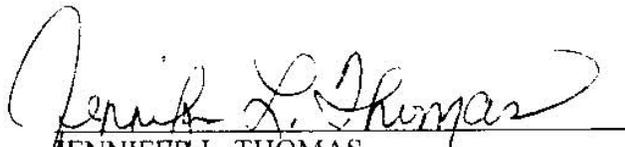
SECTION 1. The Mayor and the City Clerk are hereby authorized to execute a FDOT Utility Work by Highway Contractor Master Agreement accepting the standard terms and conditions regarding utility work in public roads or publicly owned rail corridors controlled by the Florida Department of Transportation (FDOT) to be performed by the FDOT highway contractor for any particular project and eliminating the need for individual agreements for each Project. A copy of said Agreement is attached hereto and incorporated by reference herein.

SECTION 2. The City Clerk is hereby directed to provide a certified copy of this Resolution to the Florida Department of Transportation, together with the executed Agreement.

SECTION 3. This Resolution shall take effect immediately upon its adoption.


YVONNE SCARLETT-GOLDEN
Mayor

ATTEST:


JENNIFER L. THOMAS
City Clerk

Adopted: April 7, 2004