

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MAITLAND, FLORIDA ADOPTING THE LANDSCAPE CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR INSTALLING AND MAINTAINING SIDEWALK AND LANDSCAPE WHININ THE RIGHT OF WAY OF STATE ROAD 15/600 (U.S. 17/92) AT METRO SQUARE.**

**WHEREAS**, as a condition of approval, the City of Maitland require Metro Square to construct sidewalk improvements along State Road 15/600 (U.S. 17/92), to include installing and maintaining hardscape and streetscape; and

**WHEREAS**, the City of Maitland has entered into a sidewalk easement agreement for the installation, maintenance and public access of said sidewalk improvements along U.S. 17/92.

**WHEREAS**, the State of Florida Department of Transportation has jurisdiction over and maintains U.S. 17/92 as part of the State Highway System; and

**WHEREAS**, the LOCAL GOVERNMENT, as part of said landscaping, seeks to remove or has removed sidewalk from a portion of said right of way and to replace existing sidewalk or connect the remaining sidewalk to a LOCAL GOVERNMENT sidewalk located off of said right of way; and

**WHEREAS**, the new sidewalk and a portion of associated landscaping has been conveyed or dedicated to the LOCAL GOVERNMENT and the DEPARTMENT; and

**WHEREAS**, the DEPARTMENT agrees to allow the landscaping only under certain conditions necessary to protect the traveling public using said right of way; and

**WHEREAS**, Rule 14-40.003, Florida Administrative Code, requires the State of Florida Department of Transportation and the City of Maitland to enter into an agreement designating and setting forth the responsibilities of each party; and

**WHEREAS**, the State of Florida Department of Transportation has made application to said City to execute and deliver to the State of Florida Department of Transportation a Landscape Construction and Maintenance Agreement for the purpose of constructing, operating, and maintaining landscape along U.S. 17/92 fronting Metro Square;

**NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of Maitland, Florida, that A. Dale McDonald, Mayor of the City of Maitland, is hereby authorized to execute and deliver to the State of Florida Department of Transportation a Landscape Construction and Maintenance Agreement for the purpose of constructing, operating, and maintaining landscape along U.S. 17/92 fronting Metro Square.

**ADOPTED** by the City Council of the City of Maitland, Florida, this 13<sup>th</sup> day of November, 2017.

**CITY OF MAITLAND, FLORIDA**

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A. Dale McDonald, MAYOR

**ATTEST:**

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Maria Waldrop, CITY CLERK