

RESOLUTION 12-R39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER ONE TO THE LOCALLY FUNDED AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORT ST. LUCIE FOR REMEDIATION SERVICES ALONG THE CROSTOWN PARKWAY EXTENSION CORRIDOR; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City's proposed Crosstown Parkway Extension Project – the River Crossing of the North Fork of the St. Lucie River ("Project"), which will serve to extend the Crosstown Parkway from Manth Lane to U.S. Highway One, is eligible for federal funding; and

WHEREAS, in order to maintain the Project's eligibility for federal funding the City of Port St. Lucie ("City") is required pursue remediation activities relating to the appraisal, acquisition, and relocation assistance for forty-nine (49) parcels the City previously acquired along the Crosstown Parkway Extension Corridor because said parcels were not acquired in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the "Uniform Act"); and

WHEREAS, the City and the State of Florida Department of Transportation ("FDOT") entered into a Locally Funded Agreement ("LFA"), dated June 9, 2011, for remediation services that are being performed by qualified consultants, hired on the City's behalf; and

WHEREAS, pursuant to the LFA, the City deposited with FDOT funds in the amount of Four Hundred Eighty-Eight Thousand Two Hundred Dollars and No Cents (\$488,200.00), which was for the fees and costs associated with the work performed by the consultants; and

WHEREAS, a subsequent amendment, Amendment Number One, to the LFA is required to (1) reallocate approximately One Hundred Forty Thousand Two Hundred Eighty Dollars and No Cents (\$140,280.00) of the City's prior deposit of funds for the consultants'

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fees, and (2) to deposit with FDOT an additional amount of Two Hundred Eighty-Nine Thousand Five Hundred Sixty-Five Dollars and No Cents (\$289,565.00), to fund the next phase of activities, which concerns the payment of additional compensation to the former owners and any tenants of the previously purchased parcels that require remediation; and

WHEREAS, all other provisions, covenants, terms and conditions of the LFA remain the same and the City and FDOT have formalized the modified terms and conditions in the Amendment Number One to the LFA, which is attached hereto incorporated herein as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, THAT:

1. This City Council adopts and ratifies those matters set forth in the foregoing recitals.
2. The City Manager is hereby authorized to enter into, execute and deliver to the State of Florida Department of Transportation ("FDOT") the Amendment Number One to the Locally Funded Agreement ("Amendment") for remediation services relating to right of way appraisal, acquisition, and relocation assistance for the forty-nine (49) parcels the City previously acquired along the Crosstown Parkway Extension Corridor.
3. The City Manager, City Attorney and City Engineer, and their designees, are hereby authorized and directed to take such other and further actions as are reasonably necessary to fully accomplish the purposes set forth herein, including the making of minor changes in and to the LFA and the Amendment that may be necessary to fully accomplish those purposes.

BE IT FURTHER RESOLVED that this Resolution becomes immediately effective upon its adoption.

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PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,
this 26th day of March, 2012.

ATTEST:

CITY COUNCIL
CITY OF PORT ST. LUCIE

Karen A. Phillips, City Clerk

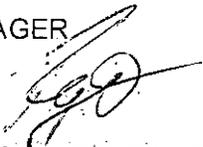
By: _____
JoAnn M. Faiella, Mayor

APPROVED AS TO FORM:

By: _____
Roger G. Orr, City Attorney

MEMORANDUM

TO: GREGORY J. ORAVEC, CITY MANAGER

THRU: ROGER G. ORR, CITY ATTORNEY 

FROM: AZLINA GOLDSTEIN SIEGEL, ASSISTANT CITY ATTORNEY 

DATE: MARCH 21, 2012

SUBJECT: RESOLUTION 12 - _____
AUTHORIZING THE EXECUTION OF AMENDMENT NUMBER ONE TO THE
LOCALLY FUNDED AGREEMENT ("LFA") BETWEEN THE CITY AND FDOT FOR
REMEDIAION SERVICES FOR PARCELS ALONG THE CROSSTOWN
PARKWAY EXTENSION CORRIDOR

Attached for review, consideration and approval by the City Council of the City of Port St. Lucie is a resolution authorizing the execution of Amendment Number One to the Locally Funded Agreement ("LFA") between the State of Florida Department of Transportation ("FDOT") and the City of Port St. Lucie for remediation services along the Crosstown Parkway Extension Corridor. As you know, under the terms and conditions of the LFA, dated June 9, 2011, FDOT utilized its existing consultant contracts to hire qualified right of way acquisition consultants who have expertise in property acquisition under the Uniform Act. The consultants prepared a remediation plan and are currently carrying out parcel-specific remediation activities. FDOT staff has been overseeing the remediation activities of the consultants at no cost to the City so that the City will only be responsible for paying the consultants' fees. In addition, City staff was successful in minimizing the costs and fees for the consultants as we were able to perform some of the initial work for the remediation activities.

The initial LFA amount that the City furnished to FDOT was \$488,200.00 for consultant fees only. This Amendment to the LFA reallocates approximately \$140,280.00 of the previously paid \$488,200.00 in addition to requiring the City to pay an additional \$289,565.00 to provide the necessary funding for FDOT's disbursement of payments to the former property owners and tenants of the parcels that require remediation. Therefore, the City's total contribution of funds for the remediation activities to bring the previously purchased parcels that are located in the "federalized" portion of the Project into compliance with the Uniform Act is \$777,765.00. Further, in the event the final accounting of the Project costs, including the consultants' fees and the actual payments to the parcels owners and/or tenants, is less than the total amount deposited with FDOT, then any excess funds will be refunded to the City. In addition, as it was contemplated in the LFA, the time frame for completion of remediation is until FDOT provides written acceptance of the consultant's work, which is expected to be before November 30, 2012. All other terms, conditions and obligations of the parties remain the same.

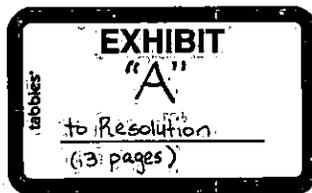
Please process this resolution as required for the placement of this matter on the agenda for the March 26, 2012, Regular City Council Meeting. If you have any questions, please do not hesitate to contact me.

AGS/

Attachment: Resolution 12-R _____
cc: Patricia Roebling, P.E., City Engineer
Roxanne Chesser, P.E., Civil Engineer/Project Manager
Frank Knott, Project Manager, Regulatory Division, Engineering Dept.

RECEIVED

MAR 21 2012



FM No: 410844-4-42-01
410844-4-4B-01
Vendor No: VF 596-141-662

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
CITY OF PORT ST. LUCIE
LOCALLY FUNDED AGREEMENT
AMENDMENT NUMBER ONE

THIS AMENDMENT, made and entered into this ___ day of _____, 20___, by and between the State of Florida Department of Transportation, hereinafter called the DEPARTMENT, and City of Port St. Lucie, located at 121 S.W. Port St. Lucie Blvd., Port St. Lucie, Florida 34984, hereinafter called the PARTICIPANT.

WITNESSETH

WHEREAS, on June 9, 2011, the parties entered into a Locally Funded Agreement, hereinafter referred to as the "Agreement", wherein the DEPARTMENT and the PARTICIPANT agreed that the Participant will provide financial assistance under Financial Management (FM) Number 410844-4-4B-01 & 410844-4-42-01 (Funded in Fiscal Year 2010/2011) for consultant fees for remediation services related to right of way appraisal, acquisition, and relocation assistance for parcels along the Crosstown Parkway Extension from Manth Lane to SR-5/US-1 in St. Lucie County, Florida; and

WHEREAS, for the purpose of the Agreement and this Amendment, right of way remediation services along the Crosstown Parkway Extension from Manth Lane to SR-5/US-1 is hereinafter referred to as the "Project"; and

WHEREAS, the parties desire to amend the Agreement; and

WHEREAS, the parties hereto mutually agree that this Amendment is in their best interest;

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree to amend the Locally Funded Agreement dated June 9, 2011, as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. This Amendment adds Financial Management (FM) Number 410844-4-43-01 and 410844-4-45-01 to this Agreement.
3. The PARTICIPANT agrees to contribute an additional amount of TWO HUNDRED EIGHTY NINE THOUSAND FIVE HUNDRED SIXTY FIVE DOLLARS AND NO CENTS (\$289,565.00), to be applied to FM Number 410844-4-43-01 & 410844-4-45-01, which will make the total contribution, by the PARTICIPANT, SEVEN HUNDRED SEVENTY SEVEN THOUSAND SEVEN HUNDRED SIXTY FIVE DOLLARS AND NO CENTS (\$777,765.00) for all services required under the Agreement and this Amendment.

4. This Amendment also reallocates ONE HUNDRED FORTY THOUSAND TWO HUNDRED EIGHTY DOLLARS AND NO CENTS (\$140,280.00) of the PARTICIPANT's contributions to Phase 45 of the Project. The additional funding required from the PARTICIPANT and the reallocation of funds for this Agreement are shown in the table below:

CROSTOWN PARKWAY EXTENSION PROJECT				
FM# 410844-4				
	Phase 4B (Appraisal)	Phase 42 (Acquisition)	Phase 43 (Purchase)	Phase 45 (Relocation)
Original Agreement	\$112,000.00 *	\$376,200.00 *	N/A	N/A
<i>Reallocation</i>	<i>(\$24,390.00)</i>	<i>(\$115,890.00)</i>	<i>\$0.00</i>	<i>\$140,280.00</i>
SUBTOTAL	\$87,610.00	\$260,310.00	\$0.00	\$140,280.00
Amendment No. 1	N/A	N/A	\$79,845.00	\$209,720.00
Total Amount Per Phase	\$87,610.00	\$260,310.00	\$79,845.00	\$350,000.00
Total Contract Amount	\$777,765.00			

* The Department received the PARTICIPANT's payment of FOUR HUNDRED EIGHTY EIGHT THOUSAND TWO HUNDRED DOLLARS AND NO CENTS (\$488,200.00) on June 23, 2011.

5. The PARTICIPANT agrees that it will, within thirty (30) days of execution of this Amendment, furnish the DEPARTMENT with a check in the amount of TWO HUNDRED EIGHTY NINE THOUSAND FIVE HUNDRED SIXTY FIVE DOLLARS AND NO CENTS (\$289,565.00).

Remittance shall be made payable to the Department of Transportation. Payment shall be clearly marked to indicate that it is to be applied to FM Project No. 410844-4-43-01; 410844-4-45-01. The DEPARTMENT shall utilize this amount towards costs of Project 410844-4-43-01; 410844-4-45-01.

Payment shall be mailed to:
 Florida Department of Transportation
 Professional Services Unit
 Attention: Leos A. Kennedy, Jr.
 3400 West Commercial Boulevard
 Fort Lauderdale, FL 33309-3421

All provisions, covenants, terms and conditions of the AGREEMENT between the parties theretofore entered into on **June 9, 2011**, as originally set forth therein, which are not hereby expressly amended or modified and not in conflict with the terms hereof, are hereby ratified and confirmed and shall remain the same and be unaffected by these presents.

IN WITNESS WHEREOF, this AMENDMENT to be executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Amendment by Resolution No. _____, hereto attached.

CITY OF PORT ST. LUCIE

DEPARTMENT OF TRANSPORTATION

BY: _____
NAME: _____
TITLE: _____

BY: _____
GERRY O'REILLY, P.E.
DIRECTOR OF TRANSPORTATION DEVELOPMENT

ATTEST:

LEGAL REVIEW:

CLERK (SEAL)

BY: _____
OFFICE OF THE GENERAL COUNSEL

APPROVED:

APPROVED:

BY: _____
ATTORNEY

BY: _____
PROFESSIONAL SERVICES ADMINISTRATOR