
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Adoption of a Resolution Authorizing the Chairman to Execute a Locally Funded Agreement Supplemental Amendment Number 3 with the Florida Department of Transportation Regional Incentive Program (TRIP) Funding for the State Road 434 Project from Interstate 4 to Rangeline Road (FDOT - Financial Management Number 240233-3-{4B/43/45}-01)

DEPARTMENT: Public Works

DIVISION: Engineering

AUTHORIZED BY: Gary Johnson

CONTACT: Brett Blackadar, P.E.

EXT: 5702

MOTION/RECOMMENDATION:

1. Adopt a Resolution and authorize the Chairman to execute a Locally Funded Agreement Supplemental Amendment Number 3 with the Florida Department of Transportation.
2. Authorize the issuance of a check in the amount of \$7,390,566 from funds in the County's 2010/2011 Fiscal Year Budget to be paid to the Florida Department of Transportation by November 1, 2010.

District 4 Carlton D. Henley

Jerry McCollum

BACKGROUND:

The Florida Department of Transportation (FDOT) previously awarded Seminole County a total of \$14,375,345 for right-of-way acquisition through the Transportation Regional Incentive Program (TRIP) to advance the six-laning of State Road 434 from Interstate 4 to Rangeline Road (Financial Management Number 240233-3-{4B/43/45}-01). To date, the County has provided a total of \$24,587,367 in local funds towards this project. These funds are currently available and are being used by the Florida Department of Transportation for the right-of-way acquisition phase of this project.

Due to reductions in real estate documentary stamp tax revenue, FDOT had to defer TRIP funds for several previously-awarded projects. As part of these changes to the work program, \$7,777,894 of current fiscal year right-of-way TRIP funds for this project were deferred to FDOT's Fiscal Year 2012/2013. In order to continue ongoing right-of-way acquisition, FDOT is requesting the County take a portion of the construction funding that the County has earmarked for this project and reallocate the funds to right-of-way acquisition to purchase all the right-of-way needed for the project. The FDOT will reallocate their future right-of-way TRIP funds to make up for the County's construction funds. As part of the deferral, the FDOT funds were reallocated and will be available for the construction phase in Fiscal Year 2012/2013. The attached document provided at MetroPlan Orlando (dated April 14, 2009) summarizes the impacts to TRIP funds in the MetroPlan region.

The estimate for right-of-way acquisition for this project from FDOT is \$39,499,200. Including the deferral of the TRIP award in this agreement, FDOT has provided a total of \$6,597,451 of TRIP funds toward the acquisition of right-of-way for this project. To date, the County has

provided a total of \$24,587,367 in funds to FDOT for right-of-way acquisition. Based on the latest estimate of \$39,499,200, the County is responsible for providing the balance of funds in the amount of \$7,390,566 to FDOT by November 1, 2010. This balance takes into account a total of \$923,816 in interest that has been earned as of June 4, 2009 (this is an increase in interest of \$387,328 from the total of \$536,488 in the previous supplemental agreement).

Funding will be programmed in Fiscal Year 2010/2011 to cover the required right-of-way payment. The County will continue to be responsible for any acquisition costs over and above the total right-of-way funding addressed by the TRIP Agreements to date for this project. The County's funding for this project is programmed from the 2001 Sales Tax under Capital Improvement Project Number 00205303.

STAFF RECOMMENDATION:

Staff recommends the Board:

- 1. Adopt a Resolution and authorize the Chairman to execute a Locally Funded Agreement Supplemental Amendment Number 3 with the Florida Department of Transportation.

- 2. Authorize the issuance of a check in the amount of \$7,390,566 from funds in the County's 2010/2011 Fiscal Year Budget to be paid to the Florida Department of Transportation by November 1, 2010.

ATTACHMENTS:

- 1. Location Map
- 2. Resolution
- 3. Supplemental Amendment #1-LFA/TRIP-SR 434
- 4. Supplemental Amendment #2-LFA/TRIP-SR 434
- 5. Supplemental Amendment #3-LFA/TRIP-SR 434
- 6. Locally Funded Agreement - SR 434 - I-4 to Rangeline Road
- 7. MetroPlan Orlando - April 14, 2009-Summary

Additionally Reviewed By:
<input checked="" type="checkbox"/> Budget Review (Lin Polk, Lisa Spriggs)
<input checked="" type="checkbox"/> County Attorney Review (Matthew Minter)

SR 434 SIX LANING 1-4 TO RANGELINE



LAKE EMMA RD

EE WILLIAMSON RD

W I-4

MARKHAM WOODS RD

RANGELINE RD

W SR 434

END PROJECT

BEGIN PROJECT

Island Lake

RAYMOND AVE

NORTH ST

DOUGLAS AVE

PALM SPRINGS DR

1 inch = 1,500 feet

RESOLUTION NO. 2009 - R - _____

SEMINOLE COUNTY, FLORIDA

RESOLUTION

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON THE 28th DAY OF July, 2009.

WHEREAS, the State of Florida Department of Transportation and Seminole County desire to facilitate the widening of State Road 434 from Interstate 4 to Rangeline Road; and

WHEREAS, The State of Florida Department of Transportation has requested Seminole County to execute and deliver to the State of Florida Department of Transportation a Locally Funded Agreement Amendment Number 3 for the Transportation Regional Incentive Program (TRIP) for the aforementioned project, (FDOT ~ Financial Management Number 240233-3-{B4/43/45}-01).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the Chairman is hereby authorized to make, execute and deliver to the State of Florida Department of Transportation a Locally Funded Agreement Supplemental Amendment Number 3 for the State Road 434 Project from Interstate 4 to Rangeline Road (FDOT ~ Financial Management Number 240233-3-{B4/43/45}-01).

ADOPTED THIS 28th DAY OF July, 2009.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

**MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**

Bob Dallari, Chairman

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**LOCALLY FUNDED AGREEMENT
SUPPLEMENTAL AMENDMENT NUMBER 1**

EXECUTION DATE: April 9, 2007

Financial Management Number: 240233-3-(4B/43/45)-01 SR 434 from I-4 to Rangeline Road	Fund: LFP and TRIP	Agency: Seminole County Vendor No.: F596000856-065
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The terms of the original Locally Funded Agreement, executed on September 6, 2006, are hereby amended as follows:

The Department will provide additional TRIP funding in the amount not to exceed \$2,850,000.00 (Two Million Eight Hundred Fifty Thousand Dollars and No/100) in the Department's fiscal year 2007/2008 which is subject to Legislative approval and appropriation. The COUNTY agrees to provide the DEPARTMENT an additional advance deposit in the amount of \$8,550,000.00 (Eight Million Five Hundred Fifty Thousand Dollars and No/100) due and payable no later than November 1, 2007.

Except as hereby modified, amended or changed, all of the terms and conditions of said original Agreement thereto will remain in full force and effect.

The following attachment is hereby incorporated into this Amendment:

Exhibit "B-1", Cost Estimate for Supplemental Amendment Number 1

IN WITNESS WHEREOF, the parties hereto have caused these presents be executed, the day and year first above written.

SEMINOLE COUNTY, FLORIDA
By: BOARD OF COUNTY COMMISSIONERS

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

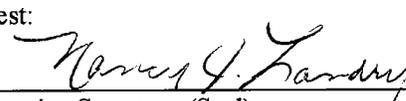
By: 
Name: Carlton Henley
Title: Chairman - BOCC

By: 
Name: George S. Lovett
Title: Director of Transportation Development

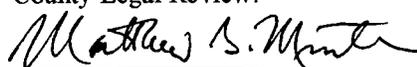
Date: April 3, 2007

Date: 4/9/07

Attest: 
Maryanne Morse
Clerk to the Board of County Commissioners
of Seminole County Florida

Attest: 
Executive Secretary (Seal)

For use and reliance of Seminole County only.
Approved as to form and legal sufficiency.

County Legal Review:


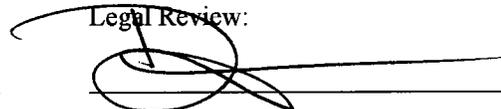
Legal Review:


Exhibit "B-1"

Cost Estimate for Supplemental Amendment Number 1

ADDITIONAL FUNDING FOR FISCAL YEAR 2007/2008		
Phase	TRIP Funding	Local Funding
Phase 4B	\$400,000	\$1,200,000
Phase 43	\$2,318,500	\$6,955,500
Phase 45	\$131,500	\$394,500
TOTALS	\$2,850,000	\$8,550,000

Local Fund Payment Schedule

Funds Due from the County by November 1, 2007 ...\$8,550,000

TOTAL \$8,550,000

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**LOCALLY FUNDED AGREEMENT
SUPPLEMENTAL AMENDMENT NUMBER 2**

EXECUTION DATE: July 23, 2008

Financial Management Number: 240233-3-(4B/43/45)-01 SR 434 from I-4 to Rangeline Road	Fund: LFP and TRIP	Agency: Seminole County Vendor No.: F596000856-065
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The terms of the original Locally Funded Agreement, executed on **September 6, 2006**, are hereby amended as follows:

The Department will provide additional TRIP funding in an amount not to exceed \$5,800,000.00 (Five Million Eight Hundred Thousand Dollars and No/100) in the Department's fiscal year 2008/2009 which is subject to Legislative approval and appropriation. The COUNTY agrees to provide the DEPARTMENT an additional advance deposit in the amount of \$11,762,712.00 (Eleven Million Seven Hundred Sixty Two Thousand Seven Hundred Twelve Dollars and No/100) due and payable no later than November 1, 2008. This executed Supplemental Amendment will serve as notice that the total amount of Local Funding from the COUNTY for this agreement is now \$25,123,855.00 (Twenty Five Million One Hundred Twenty Three Thousand Eight Hundred Fifty Five Dollars and No/100) and the total TRIP funding for this agreement is now \$14,375,345.00 (Fourteen Million Three Hundred Seventy Five Thousand Three Hundred Forty Five Dollars and No/100).

Except as hereby modified, amended or changed, all of the terms and conditions of said original Agreement thereto will remain in full force and effect.

The following attachment is hereby incorporated into this Amendment:

Exhibit "B", Revised Cost Estimate for Supplemental Amendment Number 2

IN WITNESS WHEREOF, the parties hereto have caused these presents be executed, the day and year first above written.

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: Brenda Carey
Name: Brenda Carey
Title: Chairman
Date: 6/24/08

By: George S. Lovett
Name: George S. Lovett
Title: Director of Transportation Development
Date: 7/23/08

As authorized for execution by the Board of
County Commissioners at their 6/24
2008 regular meeting.

Attest:

Attest:

By [Signature]
MARYANNE MORSE, Clerk to the Board of
County Commissioners of Seminole County, Florida

[Signature]
Executive Secretary (Seal)

For use and reliance of Seminole County only.
Approved as to form and legal sufficiency.

Legal Review:

Legal Review:

[Signature]
County Attorney

[Signature]

Exhibit "B"
Revised
Cost Estimate
Supplemental Amendment #2

	*TRIP Funding			Local Funding		
	Fiscal Year 06/07	Fiscal Year 07/08	Fiscal Year 08/09	Fiscal Year 06/07	Fiscal Year 07/08	Fiscal Year 08/09
Totals by Fiscal Year	\$47,120	\$41,468	\$14,286,757	\$47,120	\$3,643,975	\$21,432,760
Total	\$14,375,345			\$25,123,855		

The funds may be used on any phase of the PROJECT as stated in the original agreement

Local Fund Payment Schedule

Total Local Funds Due from Seminole County	\$25,123,855
Total Funds Received to Date from Seminole County	\$12,824,655
Less Interest Earned as of 5/07/2008	(\$536,488)
Total Local Funds Due by November 1, 2008	\$11,762,712

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**LOCALLY FUNDED AGREEMENT
SUPPLEMENTAL AMENDMENT NUMBER 3**

EXECUTION DATE: _____

Financial Management Number: 240233-3-(4B/43/45)-01 SR 434 from I-4 to Rangeline Road	Fund: LFP and TRIP	Agency: Seminole County Vendor No.: F596000856-065
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The terms of the original Locally Funded Agreement, executed on **September 6, 2006**, are hereby amended as follows:

The Department has reduced the TRIP funding for the project in the amount of \$7,777,894.00 (Seven Million Seven Hundred Seventy Seven Thousand Eight Hundred Ninety Four Dollars and No/100) in the Department's fiscal year 2008/2009 due to the March 2009 Revenue Estimating Conference Reductions. The COUNTY agrees to provide the DEPARTMENT an additional advance deposit in the amount of \$7,777,894.00 (Seven Million Seven Hundred Seventy Seven Thousand Eight Hundred Ninety Four Dollars and No/100) in the Department's fiscal year 2010/2011 which will be due and payable no later than November 1, 2010. This executed Supplemental Amendment will serve as notice that the total amount of Local Funding from the COUNTY for this agreement is now \$32,901,749.00 (Thirty Two Million Nine Hundred One Thousand Seven Hundred Forty Nine Dollars and No/100) and the total TRIP funding for this agreement is now \$6,597,451.00 (Six Million Five Hundred Ninety Seven Thousand Four Hundred Fifty One Dollars and No/100). All TRIP funding for this project is subject to Legislative approval and appropriation.

The Department has tentatively programmed additional TRIP funding in the amount of \$7,777,894.00 (Seven Million Seven Hundred Seventy Seven Thousand Eight Hundred Ninety Four Dollars and No/100) in the Department's fiscal year 2012/2013 in the construction phase of this project (FM #240233-3-58-01) which is subject to Legislative approval and appropriation. The construction phase of this project is not a part of this agreement. A separate agreement will be entered into between the County and the Department for the construction phase.

Except as hereby modified, amended or changed, all of the terms and conditions of said original Agreement thereto will remain in full force and effect.

The following attachment is hereby incorporated into this Amendment:

Exhibit "B", Revised Cost Estimate for Supplemental Amendment Number 3

IN WITNESS WHEREOF, the parties hereto have caused these presents be executed, the day and year first above written.

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____
Name: Bob Dallari
Title: Chairman

By: _____
Name: George S. Lovett
Title: Director of Transportation Development

Date: _____

Date: _____

As authorized for execution by the Board of
County Commissioners at their _____,
2009 regular meeting.

Attest:

Attest:

MARYANNE MORSE, Clerk to the Board of
County Commissioners of Seminole County, Florida

Executive Secretary (Seal)

For use and reliance of Seminole County only.
Approved as to form and legal sufficiency.

Legal Review:

Legal Review:

County Attorney

Exhibit "B"
Revised
Cost Estimate
Supplemental Amendment #3

	*TRIP Funding			Local Funding			
	Fiscal Year 06/07	Fiscal Year 07/08	Fiscal Year 08/09	Fiscal Year 06/07	Fiscal Year 07/08	Fiscal Year 08/09	Fiscal Year 10/11
Totals by Fiscal Year	\$47,120	\$41,468	\$6,508,863	\$47,120	\$3,643,975	\$21,432,760	7,777,894
Total	\$6,597,451			\$32,901,749			

The local funds may be used on any phase of the PROJECT as stated in the original agreement

Local Fund Payment Schedule

Total Local Funds Due from Seminole County	\$32,901,749
Total Funds Received to Date from Seminole County	\$24,587,367
Less Interest Earned as of 6/04/2009	(\$923,816)
Total Local Funds Due by November 1, 2010	\$7,390,566

Note: Any additional interest earned on County funds on deposit with the Department will be assessed prior to the funds due date of November 1, 2010 and if any, the interest may be applied to the funds due from the County to reduce the total amount due from the County.

Financial Project No: 240233-3-(4B, 43 & 45)-01 County CIP No.: 205303	Fund: LF & TRIP	Agency: Seminole County Vendor No.: F596000856-065
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**LOCALLY FUNDED AGREEMENT
BETWEEN
THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
SEMINOLE COUNTY**

This AGREEMENT, made and entered into this 6th day of September, 2006, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as the DEPARTMENT) and SEMINOLE COUNTY, a Charter County and a political subdivision of the State of Florida (hereinafter referred to as the COUNTY),

WITNESSETH:

WHEREAS, the Parties have been granted legislative authority to enter into this Agreement pursuant to, but not limited to, Section 339.2819, Florida Statutes; and

WHEREAS, the Transportation Regional Incentive Program was created by Florida Statutes §339.2819 to provide funds to improve regionally significant transportation facilities in "regional transportation areas" pursuant to Florida Statutes §339.155 (5); and

WHEREAS, the PROJECT has been determined to be a regionally significant transportation facility in a regional transportation area identified pursuant to §339.155(5), Florida Statutes; and

WHEREAS, the COUNTY has certified to the DEPARTMENT that it has met the eligibility requirements of Florida Statutes §339.2819; and

WHEREAS, the Central Florida MPO Alliance formed pursuant to Florida Statutes §339.155 (5)(c), acting as a designated regional partnership under Florida Statutes §339.155 (5)(c) and formed by an interlocal agreement, designated "SR 434 from I-4 to Rangeline Road" as a regional facility by resolution, a copy of which is incorporated into this Agreement and attached hereto as Exhibit "C".

WHEREAS, the COUNTY, by Resolution, a copy attached hereto as Exhibit "D," has accepted said grant and authorized its officers to execute this AGREEMENT on its behalf.

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY: Eva Loach
DEPUTY CLERK

WHEREAS, the DEPARTMENT is prepared, in accordance with its Adopted Five Year Work Program, to undertake the PROJECT described as, Advance Acquisition of Right of Way for the widening of SR 434 from I-4 to Rangeline Road in Seminole County, beginning in Fiscal Year 2006/2007, said PROJECT being known as Financial Management Number 240233-3- (4B, 43 & 45)-01, hereinafter referred to as the "PROJECT"; and

WHEREAS, the PROJECT is not revenue producing and is contained in the Adopted Five Year Work Program; and

WHEREAS, the implementation of the PROJECT is in the interests of both the DEPARTMENT and the COUNTY and it would be most practical, expeditious, and economical for the COUNTY to provide the funds for the acquisition phases of the PROJECT;

NOW, THEREFORE, in consideration of the mutual benefits to be derived from the joint participation of this Agreement, the parties agree as follows:

1. The terms of this Agreement shall begin upon the date of signature of the last party to sign and shall remain in full force and effect through completion of all services required of the COUNTY. The DEPARTMENT may, at any time and at any stage, amend or terminate the PROJECT in whole or in part if the DEPARTMENT determines that such action is in the best interests of the public.

2. The DEPARTMENT shall be responsible to acquire and clear the Right-of-Way necessary to construct the PROJECT for the widening of State Road 434. The Department shall acquire title to all real property necessary for the PROJECT in the name of the State of Florida Department of Transportation. The necessary Right-of-Way shall be defined by the Design Plans and Right-of-Way Maps.

3. Nothing herein shall be construed as requiring the DEPARTMENT to perform any activity which is outside the scope of the PROJECT as previously defined. Except as specifically stated otherwise in this Agreement, all such activities shall be performed by such entities, at such times, in such manner, under such conditions, and pursuant to such standards as the DEPARTMENT, in its sole discretion, deems appropriate. The COUNTY shall not have any jurisdiction or control over the DEPARTMENT's activities, except as specifically stated in this Agreement. The COUNTY shall be entitled to be advised of the progress of the PROJECT at reasonable intervals upon request.

4. Participation by the COUNTY and the DEPARTMENT of the funds for the advance acquisition phases of the PROJECT shall be made as follows:

(A) The DEPARTMENT'S current estimated cost for the advance acquisition of the PROJECT is \$11,450,689.00 (Eleven Million Four Hundred Fifty Thousand Six Hundred Eighty Nine Dollars and No/100) as specified in Exhibit "B". The COUNTY agrees to bear all expenses in excess of the total estimated cost of the PROJECT.

(B) The DEPARTMENT will provide TRIP funding in an amount not to exceed \$5,725,345.00 (Five Million Seven Hundred Twenty Five Thousand Three Hundred Forty Five Dollars and No/100).

(C) The COUNTY agrees to provide the DEPARTMENT an advance deposit, in the amount of \$4,274,655.00 (Four Million Two Hundred Seventy Four Thousand Six Hundred Fifty Five Dollars and No/100) due and payable no later than November 1, 2006. The advance deposit may be used on any phase of the PROJECT.

(D) The COUNTY has also provided a total of \$1,450,689.00 (One Million Four Hundred Fifty Thousand Six Hundred Eighty Nine Dollars and No/100) of in-kind services for design of the PROJECT as specified in Exhibit "B".

(E) Both parties further agree that in the event the right of way is not acquired, or the Agreement is terminated prior to commencement of the advance acquisition of the PROJECT, the funds provided by the COUNTY for the PROJECT will be returned to the COUNTY.

(F) If the actual advance acquisition costs are in excess of the advance deposit amount and the TRIP funding combined, the COUNTY will provide an additional deposit within fourteen (14) calendar days of notification from the DEPARTMENT so that the total deposit is adequate to ensure that cash on deposit with the DEPARTMENT is sufficient to fully fund the PROJECT. The DEPARTMENT will notify the COUNTY as soon as it becomes apparent the actual advance acquisition costs are in excess of the advance deposit amount and the TRIP funding combined; however, failure of the DEPARTMENT to so notify the COUNTY shall not relieve the COUNTY from its obligation to pay for its full participation on final accounting as provided herein below. If the COUNTY cannot provide the additional deposit within fourteen (14) days, a letter must be submitted to the DEPARTMENT'S Project Manager indicating when the deposit will be made. The COUNTY understands the request and approval of the additional time

could delay the PROJECT, and additional costs may be incurred due to delay of the PROJECT.

(F) If the actual advance acquisition costs are less than the advance deposit amount and the TRIP funding combined, the DEPARTMENT will refund the proportionate amount that the advance deposit and the TRIP funding combined exceeds the actual costs if such refund is requested by the COUNTY in writing.

(H) Should PROJECT modifications or changes occur that increase the total PROJECT costs, the COUNTY will be notified by the DEPARTMENT accordingly. The COUNTY agrees to provide, without delay, in advance of the additional work being performed, adequate funds to ensure that cash on deposit with the DEPARTMENT is sufficient to fully fund the PROJECT. The DEPARTMENT shall notify the COUNTY as soon as it becomes apparent the actual costs will overrun the estimated amount; however, failure of the DEPARTMENT to so notify the COUNTY shall not relieve the COUNTY from its obligation to pay for its full participation during the PROJECT and on final accounting as provided herein below.

(I) The DEPARTMENT intends to have its final and complete accounting of all costs incurred in connection with the work performed hereunder within three hundred sixty days (360) of final payment for advance land acquisition. The DEPARTMENT considers the PROJECT complete when the final payment has been made. All PROJECT cost records and accounts shall be subject to audit by a representative of the COUNTY for a period of three (3) years after final close out of the PROJECT. The COUNTY will be notified of the final cost. Both parties agree that in the event the final accounting of total PROJECT costs pursuant to the terms of this agreement is less than the total deposits to date, a refund of the excess deposit will be made by the DEPARTMENT to the COUNTY. If the final accounting is not performed within three hundred and sixty (360) days, the COUNTY is not relieved from its obligation to pay.

(J) In the event the final accounting of total PROJECT costs is greater than the total deposits and the TRIP funding combined to date, the COUNTY will pay the amount within forty (40) calendar days from the date of the invoice from the additional DEPARTMENT. The COUNTY agrees to pay interest at a rate as established pursuant to Section 55.03, F.S., on any invoice not paid within forty (40) calendar days until the invoice is paid.

(K) The payment of funds under this Locally Funded Agreement will be made directly to the DEPARTMENT for deposit and as provided in the attached MOA between Participants, Department and the State of Florida, Department of Financial Services, Division of Treasury. All interest earned will remain in the account for purposes of the PROJECT.

(L) The DEPARTMENT and the COUNTY agree that the payment shall be an asset of the DEPARTMENT for the cost of the work.

(M) Contact Persons:

Florida Department of Transportation

Shirley Matthews	Todd Long
JPA Coordinator/MS 4-522	Project Manager/MS 542
719 South Woodland Boulevard	719 South Woodland Boulevard
DeLand, Florida 32720-6834	DeLand, Florida 32720-6834
PH: (386) 943-5452	PH: (386) 943-5492
shirley.matthews@dot.state.fl.us	todd.long@dot.state.fl.us

Seminole County

Brett Blackadar, P.E.
Seminole County
520 West Lake Mary Boulevard
Suite 200
Sanford, Florida 32773
(407) 665-5702
BBlackadar@seminolecountyfl.gov

5. All tracings, plans, specifications, maps, models, reports, or other work product prepared or obtained under this Agreement shall be considered works made for hire for the DEPARTMENT and shall at all times be and remain the property of the DEPARTMENT without restriction or limitation on their use. The COUNTY may, however, inspect those materials upon providing reasonable advance notice to the DEPARTMENT.

6. In the event this Agreement is in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) or has a term for a period of more than one year, the provisions of Chapter 339.135(6) (a), Florida Statutes, are hereby incorporated as follows:

“The department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The department shall require a statement from the comptroller of the department that funds are available

prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of \$25,000.00 and which have a term for a period of more than 1 year.”

7. Either Party may unilaterally cancel this Agreement for refusal by the other party to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes and made or received by such party in conjunction with this Agreement.

8. This Agreement constitutes the complete and final expression of the parties with respect to the subject matter hereof, and incorporates and includes all proper negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein. The parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written.

9. This Agreement shall be governed by the interpreted in accordance with the laws of the State of Florida. Any provision herein determined by a court of competent jurisdiction, or any other legally constituted body have jurisdiction, to be invalid or unenforceable shall be severable and the remainder of this Agreement shall remain in full force and effect, provided that the invalidated or unenforceable provision is not material to the intended operation of this Agreement.

IN WITNESS WHEREOF, the COUNTY has executed this Agreement this 28th day of August, 2006, and the DEPARTMENT has executed this Agreement this 6th day of September, 2006.

SEMINOLE COUNTY, FLORIDA
By: BOARD OF COUNTY COMMISSIONERS

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: Carlton Henley
Name: Carlton Henley
Title: Chairman - BOCC

By: Noranne B. Downs
Name: Noranne B. Downs, P.E.
Title: Director of Transportation Development

Date: 8-28-06

Date: September 6, 2006

Attest:
Maryanne Morse
for
Maryanne Morse
Clerk to the Board of County Commissioners
of Seminole County Florida

Attest:
Jennifer Williams
Executive Secretary

For use and reliance of Seminole
County only. Approved as to form
and legal sufficiency.

Legal Review:

Legal Review:

Sharon E. Dietrich 8-22-06
Seminole County Attorney

[Signature]

Financial Provision Approval by
Department of Comptroller on:

7-25-06

Exhibit "A"

SCOPE OF SERVICES

Advance Right of Way Acquisition

Financial Management Number: 240233-3-(41, 4B, 43 & 45)-01

Seminole County is funding the design, R/W acquisition, and construction phases of the SR 434 widening project from I-4 to Rangeline Road. Seminole County is currently administering the design phase of the project, including the preparation of the R/W Control Maps and R/W Maps, and the County will be administering the construction phase of the project, potentially beginning in FY 2010. In order for the County to meet all federal requirements and be eligible for obtaining federal funds if they become available, the R/W acquisition phase must be performed in accordance with federal requirements. Since the County does not have the resources to perform this phase of the project, the Department has committed to performing the advance R/W acquisition phase for Seminole County, using TRIP funding and the County's funds. The County understands that additional acquisition will be required for this project in future years and that there is no additional funding programmed in the Department's Work Program at this time.

This LFA is for the transfer of local funds from Seminole County in FY 2006/2007 which is programmed in the Department's Work Program in FY 2006/2007, so that the Department's R/W staff can perform the advance R/W acquisition phase for the County. The specific parcel numbers and acquisition areas will be defined as the R/W Mapping phase is completed over the next year.

Exhibit "B" Cost Estimate

Total Project Costs \$11,450,689		
Less In-kind Services for Design Performed by the County - \$1,450,689		
Total Project Funding \$10,000,000		
FISCAL YEAR 2006-2007	TRIP Funding	Local Funding
Phase 4B	\$740,000	\$740,000
Phase 43	\$4,725,345	\$3,274,655
Phase 45	\$260,000	\$260,000
TOTALS	\$5,725,345	\$4,274,655

Local Fund Payment Schedule

Funds Due from the County by November 1, 2006	<u>\$4,274,655</u>
TOTAL	\$4,274,655

EXHIBIT "C"
RESOLUTION/MINUTES
Of Central Florida MPO Alliance
Re: SR 434 from I-4 to Rangeline Road



RESOLUTION NO. 2005-01

**RESOLUTION REGARDING THE YEAR 2020 AND YEAR 2025
LONG RANGE TRANSPORTATION PLANS**

WHEREAS, the Central Florida MPO Alliance adopted its initial Year 2020 Long Range Transportation Plan in December 2003; and

WHEREAS, there have been several significant organizational and policy-related developments since December 2003 that necessitate an update to the Central Florida MPO Alliance Year 2020 Long Range Transportation Plan; and

WHEREAS, the Central Florida MPO Alliance is committed to maintaining its Long Range Transportation Plan by approving revisions as may be necessary and major updates at least every five years;

WHEREAS, the 2005 Florida Legislature enacted Chapter 2005-290, Laws of Florida, relating to infrastructure planning and funding which encouraged regional collaborative efforts such as the Central Florida MPO Alliance and provides financial incentives;

NOW, THEREFORE, BE IT RESOLVED that the Central Florida MPO Alliance Year 2020 Long Range Transportation Plan is hereby revised to include the following:

1. The inter-county facilities (highways, rail lines and trails) of the Ocala/Marion County TPO as shown on Exhibit 1;
2. The Central Florida Commuter Rail Project between DeLand in Volusia County and Poinciana in Osceola County as incorporated into the cost feasible Long Range Transportation Plans of the Volusia County MPO and METROPLAN ORLANDO since December 2003;

3. Strategic Intermodal System (SIS) facilities and Emerging Strategic Intermodal System facilities designated as of September 1, 2005 by the Florida Department of Transportation as shown on Exhibit 2;
4. Regionally Significant Facilities that are considered to be eligible for funding under the Transportation Regional Incentive Program (TRIP), defined in Chapter 2005-290, as shown on the documents labeled Exhibit 3A-F.

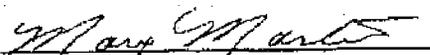
BE IT FURTHER RESOLVED that the Central Florida MPO Alliance staff is directed to prepare a consolidated list of production-ready Regionally Significant Facilities for the Transportation Regional Incentive Program (TRIP) and to transmit this list of Central Florida TRIP priorities to the Florida Department of Transportation by October 28, 2005; and

BE IT FURTHER RESOLVED that a major update of the Central Florida MPO Alliance's Year 2025 Long Range Transportation Plan will be developed for approval by December 2006 based on the Long Range Transportation Plan Updates that are scheduled to be approved by Alliance members by December 2005.

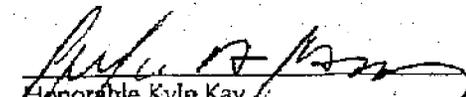
Passed and duly adopted at a regular meeting of the Central Florida MPO Alliance on the 19th day of October 2005.

CERTIFICATE

The undersigned duly qualified and acting as Chair of the Central Florida MPO Alliance certifies that the foregoing is a true and correct copy of a Resolution adopted at a legally convened meeting of the Central Florida MPO Alliance.


Honorable Mary Martin
Chair

Attest:


Honorable Kyle Kay
Secretary Treasurer

DRAFT
PROJECTS FOR WHICH
TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP) FUNDS
ARE BEING REQUESTED (not in priority order)

PROJECT NAME OR DESIGNATION	PROJECT DESCRIPTION			FISCAL YEAR CONTRIBUTION TO BEGIN	ESTIMATED PROJECT COST (PRESENT-DAY) (1000's)	TRIP FUNDS REQUESTED (1000's)	LOCAL MATCH FUNDS TO BE PROVIDED (1000's)
	FROM	TO	LENGTH (MI.)				
Cococola Corridor							
SR 600/US 1792	Int. at Polkiana Blvd.			2005/06	254	147	147
Polkiana Blvd.	Oran Brown Rd.	Pam Rd.	1.80		4,500	2,036	2,464
Simpson Rd.	US 192	Florida's Turnpike	0.40	2005/08	2,600	1,196	1,444
SR 600/US 1792	Int. at Pleasant Hill Rd.			2005/06	2,000	1,000	1,000
Bossey Creek Rd.	Turnpike Bridge		0.60	2005/06	7,000	1,170	5,830
Bossey Creek Rd.	Cococola Pkwy.	Bossey Creek Rd. E	1.20	2005/07	10,000	2,422	7,578
John Young Pkwy.	Canal St.	Draper-Cococola Co. Line	1.20	2005/07	11,744	5,572	5,572
Scribble Corridor							
SR 434	Montgomery Rd.	I-4	1.00	2006/09/0	14,500	7,250	7,250
SR 434	I-4	Range Line Rd.	1.70	2008/08/0	27,500	13,750	13,750
SR 434	Range Line Rd.	CR 427	1.00	2011/12	32,000	16,000	16,000
SR 426	Pine Ave.	SR 434/CR 419	0.75	To be determined	18,000	9,250	9,250
SR 426	US 1792	SR 46	3.80	2005/06	30,000	15,000	15,000

Right-of-way acquisition for the SR 434 projects from Montgomery Rd. to Range Line Rd. and the SR 436 project will need to occur within the next two years in order for construction to be scheduled within the five-year TIP timeframe.
Includes \$1,500,000 for design and \$16,000,000 for early right-of-way acquisition. Matching funds are available from the City of Oviedo and Seminole County.

EXHIBIT "D"

RESOLUTION/MINUTES

Financial Management Number: 240233-3-(4B, 43, 45)-01

RESOLUTION

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON THE 22 DAY OF Aug., 2006.

WHEREAS, the State of Florida Department of Transportation and Seminole County desire to facilitate the acquisition of right of way for widening of State Road 434 from Interstate 4 to Rangeline Road; and

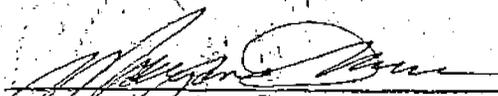
WHEREAS, the State of Florida Department of Transportation has requested Seminole County to execute and deliver to the State of Florida Department of Transportation a Locally Funded Agreement for the Transportation Regional Incentive Program (TRIP) State Road 434 from Interstate 4 to Rangeline Road known as Financial Management Number 240233-3-(4B, 43 & 45)-01,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the Chairman is hereby authorized to make, execute and deliver to the State of Florida Department of Transportation the Locally Funded Agreement for State Road 434 from Interstate 4 to Rangeline Road known as Financial Management Number 240233-3-(4B, 43 & 45)-01.

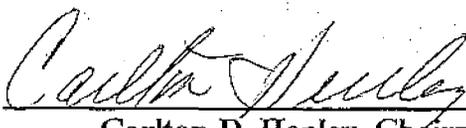
ADOPTED THIS 22 DAY OF August, 2006.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**



MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.



Carlton D. Henley, Chairman

**Actions to Balance the 2009-2014 Work Program
In Response to Reduction To Revenue from March REC**

April 14, 2009

County	FM#	Fund	Project	Type of Project	Action
Orange	239203-4-32-01	DDR	SR 50 from East of CR 425 (Dean Road) to East of Old Cheney Highway	Add Lanes & Rehab Pvmt	Deferred PE from FY 2009 to FY 2011
Orange	239203-4-52-01	DDR	SR 50 from East of CR 425 (Dean Road) to East of Old Cheney Highway	Add Lanes & Rehab Pvmt	Deferred construction from FY2012 to FY 2013
Orange	239203-4-5A-01	DDR	SR 50 from East of CR 425 (Dean Road) to East of Old Cheney Highway	Add Lanes & Rehab Pvmt	Moved construction bonus out of Work Program from FY 2014.
Orange	239203-4-62-01	DDR	SR 50 from East of CR 425 (Dean Road) to East of Old Cheney Highway	Add Lanes & Rehab Pvmt	Deferred CEI from FY 2012 to FY 2013
Orange	239203-4-62-02	DDR	SR 50 from East of CR 425 (Dean Road) to East of Old Cheney Highway	Add Lanes & Rehab Pvmt	Deferred CEI from FY 2012 to FY 2013
Orange	239266-5-43-01	TRIP	CR 15 (Narcoosee Road) From Lee Vista Blvd to Goldenrod Road	Right of Way	Deferred ROW from Fys 2011, 2012, and 2013 two years to FY 2013, 2014, and out of the Work Program. Also reduced FY 2014 amount to \$557,693.
Orange	239416-1-43-01	DDR	SR 500 (US 441) from Osceola Co. Line to Taft-Vineland Rd	Right of Way	Reduced Right of Way by \$1,380,595 - Remaining Funds after completion of Right of Way
Orange	239535-2-52-01	DS	E ramps Turnpike to Avalon Rd	Add Lanes & Reconstruct	Deleted Construction FY 2012 - SU funds need to be removed next gaming cycle
Orange	242484-1-32-01	DS	I-4 Management Consultant	Preliminary Engineering	reduce \$750K each year FY 2010, 2011 & 2012
Orange	408416-1-43-01	DDR	I-4 Orange Co Master Plan Advance Acquisition	Right of Way	Reduce \$15M FY 2011
Osceola	424382-2-58-01	TRIP	CR 15 (Narcoosee Road) From Rummel Road to Jack Brack Road	Add Lanes & Reconstruct	Moved construction out of Work Program from FY 2014
Seminole	240216-3-43-01	CIGP	SR 46 from Mellonville Ave to SR 415	Advance Acquisition	Reduced project by \$172,254
Seminole	240233-3-43-01	TRIP	SR 434 from I-4 to Rangeline Road	Right of Way	Deferred \$7,777,894 ROW from FY 2009 to ph 58 FY 2013
Seminole	240233-3-58-01	TRIP	SR 434 from I-4 to Rangeline Road	Add Lanes & Rehab Pvmt	Deferred construction from FY 2012 to FY 2014
Seminole	407355-1-43-01	DDR	SR 415 from SR 46 to Vol Co Line	Add Lanes & Reconstruct	Deleted ROW FY 2010 & 2011
Seminole	415030-2-43-01	TRIP	SR 426/419 Intersection with SR 434	Right of Way	Moved ROW out of Work Program from FY 2014
Seminole	415030-2-45-01	TRIP	SR 426/419 Intersection with SR 434	Right of Way	Moved ROW out of Work Program from FY 2014
Seminole	415030-2-4B-01	TRIP	SR 426/419 Intersection with SR 434	Right of Way	Moved ROW out of Work Program from FY 2014
Seminole	419369-1-58-01	TRIP	SR 436 Intersections from W. of Willshire Blvd. to Lake Howell Road	Add Lanes & Reconstruct	Deferred construction from FY 2012 to FY 2013
Seminole	408417-1-43-01	DS/DDR	I-4 Seminole Co Master Plan Advance Acquisition	Right of Way	Reduced ROW \$12.5M FY 2010, \$10.7M FY 2011 & \$13.5M FY 2012
Seminole	408417-1-4B-01	DDR	I-4 Seminole Co Master Plan Advance Acquisition	Right of Way	Reduced ROW \$4M FY 2012