



Interoffice Memorandum

August 10, 2017

TO: Mayor Teresa Jacobs and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Public Works Director

CONTACT PERSON: Mark V. Massaro, P.E., Director
Public Works Department

PHONE NUMBER: (407) 836-7970

SUBJECT: Ranger Drainage District- Bancroft Blvd and Ortega Street Right-of –
Way Mowing

Orange County recently completed a 3.5 mile sidewalk project along the right-of-way line of Bancroft Boulevard and a portion of Ortega Street, which impacts approximately 14 acres of mowing areas.

Within the Wedgefield Subdivision, Ranger Drainage District (RDD) is charged with maintaining the right-of-way and drainage beyond the pavement edgeline. This stipulation is memorialized in an agreement dated August 22, 1988, between Orange County and RDD.

When the 1988 agreement was executed, sidewalks did not exist and mowing was performed by RDD using traditional "bush hog" type equipment. With the installation of the sidewalks, smaller mowing equipment and hand work is required. The sidewalk edging has also been added to the maintenance task.

We have discussed this additional work with RDD and how it impacts their budget. We have evaluated helping to fund their operation rather than Public Works performing the work. RDD asked if the County would assist with providing \$18,000 annually to offset additional costs.

We determined using our outsourced contractor prices, costs would be approximately \$25,000/yr. Staff recommends amending the original agreement of 1988 to allow for a payment of \$18,000 towards the mowing operation performed by RDD.

The Orange County Attorney's Office and Risk Management Division have reviewed the agreement and found it acceptable.

Action Requested: Approval and execution of Amendment to Agreement between Ranger Drainage District and Orange County (Bancroft Boulevard and Ortega Street) to provide funding in the amount of \$18,000 annually for the right-of-way moving. District 5.

MVM/wsv

Attachment(s)

BCC Mtg. Date: August 22, 2017

AMENDMENT TO AGREEMENT BETWEEN
RANGER DRAINAGE DISTRICT AND ORANGE COUNTY
(Bancroft Boulevard and Ortega Street)

THIS AMENDMENT TO AGREEMENT (the "Amendment"), is entered into by and between the Ranger Drainage District, a water management district established pursuant to Chapter 298, Florida Statutes ("RDD"), with a mailing address of 19950 Nugent Street, Orlando, FL 32833, and Orange County, a charter county and political subdivision of the state of Florida ("County"), with a mailing address at P.O. Box 1393, Orlando, FL 32802-1393.

RECITALS

WHEREAS, effective August 22, 1988, RDD and County entered into that certain unrecorded Agreement (the "Existing Agreement") regarding RDD's repair and replacement of its drainage facilities within County rights-of-way ("ROW") in the Cape Orlando Estates / Rocket City area of Orange County, now known as Wedgefield; and

WHEREAS, the Existing Agreement contemplated RDD maintenance of ROW areas outside the paved roadways; and

WHEREAS, subsequent to the time the parties entered into the Existing Agreement, sidewalks have been installed in the unpaved areas of ROW subject to RDD maintenance; and

WHEREAS, such sidewalk installation will increase the cost to RDD of maintaining such unpaved areas; and

WHEREAS, County has agreed to provide funding to RDD to offset the cost of such increase.

NOW, THEREFORE, in consideration of the foregoing and of the terms and conditions set forth herein, the parties agree as follows:

A handwritten signature in black ink, appearing to be 'JCM', is located in the bottom right corner of the page.

1. **RECITALS.** The foregoing recitals are true and correct and form a material part of this Amendment.
2. **PAYMENT AMOUNT.** The parties agree that County will pay to RDD the sum of eighteen thousand and 00/dollars (\$18,000) per fiscal year (October 1 through September 30) as its share of the increased costs to maintain the unpaved ROW. Prior to each automatic renewal of this Amendment, pursuant to Section 7, below, the amount paid to RDD by County may be adjusted, upon mutual agreement of the parties, due to changes in costs.
3. **INVOICING; TIMING OF PAYMENT.** Beginning September 1, 2018, RDD shall be entitled to submit an invoice in the amount of \$18,000 (or any such adjusted amount as contemplated by Section 2, above) to County for review and approval no earlier than September 1st of each year during which the work has been performed. As soon as practicable after its approval of such invoice, County shall pay to RDD the invoiced amount.
4. **INITIAL INVOICE AND PAYMENT.** RDD has already performed maintenance work and incurred additional costs, as contemplated by this Amendment, for the current County fiscal year. Accordingly, RDD may submit to County an invoice for \$18,000 encompassing work performed prior to the Effective Date of this Amendment but no earlier than October 1, 2016, and work performed no later than September 30, 2017. As soon as practicable after its approval of such invoice, County shall pay to RDD the invoiced amount.



5. **ORIGINAL TERMS.** Other than as noted above, all of the original terms and conditions of the Existing Agreement shall remain in place and in full force and effect.
6. **EFFECTIVE DATE.** This Amendment shall take effect upon the latest date of execution by the parties hereto.
7. **TERM; TERMINATION.** The term of this Amendment shall be for five (5) years, automatically renewing for additional five-year terms unless terminated earlier by the parties. Notwithstanding the foregoing, County may terminate this Amendment at any time, with no effect to the Existing Agreement, upon ninety (90) days written notice to RDD.

[Signature blocks appear on following pages.]



IN WITNESS WHEREOF, the Parties have caused this Amendment to be duly executed by their respective duly authorized representatives on the dates set forth below.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

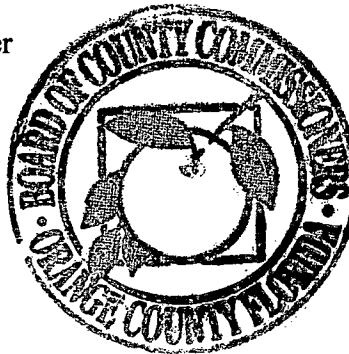
By: *Teresa Jacobs*
Teresa Jacobs,
Orange County Mayor

Date: 8.22.17

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Katie Smith*
Deputy Clerk

Print name: Katie Smith



[Handwritten signature]

RANGER DRAINAGE DISTRICT

By: Dave Mauck

Print: Dave Mauck

Title: President

Date: 7/28/2017

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by Dave Mauck, President of Ranger Drainage District, who is known by me to be the person described herein and who executed the foregoing, this 28th day of July, 2017. S/he is personally known to me or has produced _____ as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 28th day of July, 2017.

Notary Public

Dawn Renee Mullins

Print Name: Dawn Renee Mullins

My Commission Expires: FF992981 7/12/2020



DCM