



## Interoffice Memorandum

August 20, 2021

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Joseph C. Kunkel, P.E., Director, Public Works Department

A handwritten signature in black ink, appearing to read "Joseph C. Kunkel".

CONTACT PERSON: Renzo Nastasi, AICP, Manager  
Transportation Planning Division

Handwritten initials "RN" in black ink.

PHONE NUMBER: (407) 836-8072

SUBJ: Resolution and Local Agency Program Supplemental Agreement for the  
Lake Apopka Trail Connector

The Board approved the Local Agency Program Agreement for this project on January 26, 2021. The purpose of Supplemental Agreement Number 1 is to revise the County's share of the original agreement due to a lower than anticipated design fee. The County successfully negotiated the original project cost estimate from \$1,460,585 to \$1,287,394, lowering the original County share from \$179,783 to \$6,592.

The Florida Department of Transportation has therefore requested approval of a Resolution and Local Agency Program Supplemental Agreement Number 1. The County Attorney's Office, Risk Management Division, Transportation Planning Division, Public Works Engineering Division, and the Parks and Recreation Division have reviewed this Resolution and Agreement and find them acceptable.

**Action Requested:** Approval and execution of (1) Resolution of the Orange County Board of County Commissioners regarding the Local Agency Program Supplemental Agreement Number One with the Florida Department of Transportation for the Lake Apopka Trail Connector Project and (2) State of Florida Department of Transportation Local Agency Program Supplemental Agreement Contract No. G1Y96 FPN 441447-1-38-01. District 2.

RN/BS/ep

Attachments

**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

SUPPLEMENTAL NO.

1

FEDERAL ID NO. (FAIN)

D520 045 B

CONTRACT NO.

G1Y96

FEDERAL AWARD DATE

06/14/2021

FPN

441447-1-38-01

RECIPIENT DUNS NO.

06-479-7251

Recipient, Orange County, and the Florida Department of Transportation, desires to supplement the original Agreement entered into and executed on June 22, 2021 as identified above. All provisions in the original Agreement and supplements, if any, remain in effect except as expressly modified by this supplement.

The changes to the Agreement and supplements, if any, are described as follows:

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**PROJECT DESCRIPTION**

Name Lake Apopka Trail Connector Length ~4.8 miles

Termini Lake Apopka Loop Trail to West Orange Trail

**Description of Work:**

The project consists of the design of a 10-foot to 14-foot wide asphalt pavement/concrete multi use trail that will connect the West Orange Trail to the Lake Apopka Loop Trail. The total length of the trail is approximately 4.8 miles connecting the existing 0.6 mile section of the Lake Apopka Loop Trail north of Magnolia Park to the existing West Orange Trail Spur leading to Clarcona Horseman's Park. This trail will serve as an important connection between the trail systems of Orange County, St. Johns River Water Management District (SJRWMD) and Lake County.

This connector trail (Trail) begins at the West Orange Trail where it crosses McCormick Road. The Trail then travels west on the south side of McCormick Road until it reaches Ingram Road. A Trail spur continues south along the east side of Ingram Road until it connects with the existing West Orange Trail by Orlando Memorial Gardens. The main line of the Trail however runs north and west of Ingram Road along the western border of the Orange County Northwest Water Reclamation Facility. The Trail then follows a new planned roadway through the planned Thompson Hills development (City of Apopka) before reaching County Road (CR) 437A.

Once at CR 437 the Trail travels south along the western side of the roadway, passing under and through the intersection with State Road (SR) 429. Once through the intersection, the Trail continues south to Binion Road. The Trail then turns west running along the northern side of Binion Road until reaching Magnolia Park. In Magnolia Park the Trails ends at its connection to the existing Lake Apopka Loop Trail.

The scope of the design project will include selective clearing and grubbing, a drainage analysis to assess impact on existing drainage features, regrading existing swales, signalization modifications at the SR 429 northbound on and off-ramp interchange and at the SR 429 southbound off-ramp interchange. Tasks also include roadway and trail signing and pavement markings, modifications to existing curb and gutter, utility coordination and relocation, construction of retaining walls and/or gravity walls, construction of guardrail, and the construction and/or modification of pedestrian facilities. In order to cross the trail at the SR 429 northbound on and off-ramp interchange, reconfiguration or reconstruction of the interchange could be required. Coordination with the Central Florida Expressway Authority (CFX) will be required during

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

525-010-32  
PROGRAM MANAGEMENT  
08/19

Page 2 of 4

design for any construction and/or CFX intelligent transportation system (ITS) impacts along SR 429 and under the existing overpass.

A geotechnical investigation will be necessary. Permitting is anticipated for the modifications to existing drainage swales. All pedestrian facilities shall adhere to current ADA standards. An environmental assessment will need to be performed to evaluate any protected species within the project limits as well as coordination with the US Fish and Wildlife Services (USFWS). Additional Right-of-Way is anticipated.

Coordination with the City of Apopka and the City of Ocoee will be needed along roadways that are owned and maintained by those jurisdictions. In addition, coordination with the City of Apopka in regards to the planned Thompson Hills Development will be required. Coordination during the Development Review process will be needed with the planned CLRM Development off McCormick Road at Damon Road.

Reason for Supplement and supporting engineering and/or cost analysis:

1. Pursuant to Paragraph 4.0 Project Cost of the Local Agency Program Agreement, the Recipient and the Department acknowledge and agree that the Schedule of Funding for design that includes the authorized and encumbered Federal funding and the Local funding contribution on the project shall be reduced to an amount equal to the Recipient's negotiated Consultant contract amount of **\$1,287,394.00**. This results in a decrease of total design funding by \$173,191.00. Local funds will be reduced by \$173,191.00, which is the difference between previous Local funding of \$179,783.00 and the current local funding of \$6,592.00.
2. Revisions to the federal and local funding amounts attributed to the amounts referenced above are reflected in the Adjusted Exhibit "B" Schedule of Financial Assistance, and in Exhibit "E", Federal Financial Assistance (Single Audit Act), attached hereto and incorporated herein.
3. The Recipient Resolution authorizing entry into this Supplemental Agreement is attached and incorporated into this Supplemental Agreement as Exhibit "D".

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**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

 525-010-32  
PROGRAM  
MANAGEMENT  
08/19

**ADJUSTED EXHIBIT "B" SCHEDULE OF FINANCIAL ASSISTANCE**

Page 3 of 4

 RECIPIENT NAME & BILLING ADDRESS: Orange County  
4200 S. John Young Parkway  
Orlando, Florida 32839

FINANCIAL PROJECT NUMBER: 441447-1-38-01

PHASE OF WORK By Fiscal Year	FUNDING					
	(1) PREVIOUS TOTAL PROJECT FUNDS	(2) ADDITIONAL PROJECT FUNDS	(3) CURRENT TOTAL PROJECT FUNDS	(4) TOTAL LOCAL FUNDS	(5) TOTAL STATE FUNDS	(6) TOTAL FEDERAL FUNDS
<b>Design</b>						
FY: 2020-2021 (LAP)	\$1,280,802.00	\$0.00	\$1,280,802.00	\$0.00	\$0.00	\$1,280,802.00
FY: 2020-2021 (LAP)	\$179,783.00	(\$173,191.00)	\$6,592.00	\$6,592.00	\$0.00	\$0.00
FY: (Insert Program Name)						
<b>Total Design Cost</b>	\$1,460,585.00	(\$173,191.00)	\$1,287,394.00	\$6,592.00	\$ 0.00	\$1,280,802.00
<b>Right-of-Way</b>						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
<b>Total Right-of-Way Cost</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Construction</b>						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
<b>Total Construction Cost</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Construction Engineering and Inspection (CEI)</b>						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
<b>Total CEI Cost</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>(Insert Phase)</b>						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
FY: (Insert Program Name)						
<b>Total Phase Costs</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>TOTAL COST OF THE PROJECT</b>	\$1,460,585.00	(\$173,191.00)	\$1,287,394.00	\$6,592.00	\$ 0.00	\$1,280,802.00

COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:

I certify that the cost for each line item budget category has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, F.S. Documentation is on file evidencing the methodology used and the conclusions reached.

Precious L. Lewis

District Grant Manager Name

DocuSigned by:

Precious L. Lewis

9/28/2021 | 2:12 PM EDT

Signature

Date

**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

IN WITNESS WHEREOF, the parties have executed this Agreement on the date last ascribed herein.

RECIPIENT ORANGE COUNTY

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

By: See attached signature page  
Name:  
Title:

DocuSigned by:  
*C. Jack Adkins*  
By: 1752524FC337485...  
Name: C. Jack Adkins  
Title: Interim Director of Transportation Development  
Date: 9/28/2021 | 2:59 PM EDT

Legal Review:

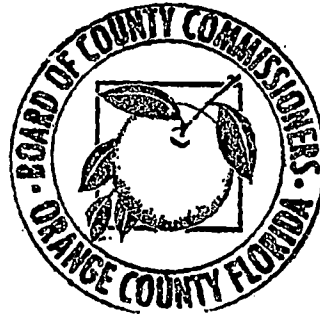
DocuSigned by:  
**Daniel McDermott**  
585E81E26BBA45C...

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written above.

RECIPIENT ORANGE COUNTY

By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings, County Mayor



Attest: Phil Diamond, CPA, County Comptroller  
as Clerk of the Board of County Commissioners

By: *Katie Smith*  
Deputy Clerk

Printed name: **Katie Smith**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

**EXHIBIT D**

**RECIPIENT RESOLUTION**

The Recipient's Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.

BCC Mtg. Date: September 14, 2021

**RESOLUTION**  
*of the*  
**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**  
*regarding the*  
**LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT**  
**NUMBER ONE**  
*with the*  
**FLORIDA DEPARTMENT OF TRANSPORTATION**  
*for the*  
**LAKE APOPKA TRAIL CONNECTOR PROJECT**

**Resolution No. 2021- M-37**

**WHEREAS**, today, the Board of County Commissioners is approving a Local Agency Program Supplemental Agreement Number One with the State of Florida Department of Transportation for the Lake Apopka Trail Connector Project, designated therein by the FDOT as FPN No. 441447-1-38-01; and

**WHEREAS**, the FDOT requires that Orange County adopt a Resolution authorizing its officials to execute this Local Agency Program Supplemental Agreement Number One on Orange County's behalf.

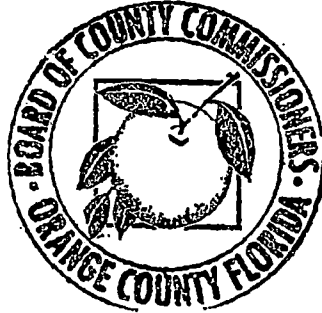
**NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS:**

***Section 1. Authorization for County Mayor to Execute Local Agency Program Supplemental Agreement Number One and any Future Supplements or Amendments.*** The County Mayor is hereby authorized to execute the above described Local Agency Program Supplemental Agreement Number One with the FDOT on behalf of the County, and any and all future supplements and amendments thereto.



**Section 2. Effective date.** This Resolution shall take effect on the date of its adoption.

ADOPTED this 14<sup>th</sup> day of September, 2021.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings, County Mayor

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

By: *Katie Smith*  
Deputy Clerk

Print Name: **Katie Smith**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT****EXHIBIT E****FEDERAL FINANCIAL ASSISTANCE (SINGLE AUDIT ACT)****FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:**

**CFDA No.:** 20.205  
**CFDA Title:** Highway Planning and Construction  
Federal-Aid Highway Program, Federal Lands Highway Program  
**CFDA Program Site:** [https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfd&is\\_active=true&page=1](https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfd&is_active=true&page=1)  
**Award Amount:** \$1,280,802.00  
**Awarding Agency:** Florida Department of Transportation  
**Award is for R&D:** No  
**Indirect Cost Rate:** N/A

**FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE SUBJECT TO THE FOLLOWING:**

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards

<http://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1>

**FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT MAY ALSO BE SUBJECT TO THE FOLLOWING:**

Title 23 – Highways, United States Code

<http://uscode.house.gov/browse/prelim@title23&edition=prelim>

Title 49 – Transportation, United States Code

<http://uscode.house.gov/browse/prelim@title49&edition=prelim>

Map-21 – Moving Ahead for Progress in the 21<sup>st</sup> Century, Public Law 112-141

<http://www.gpo.gov/fdsys/pkg/PLAW-112publ141/pdf/PLAW-112publ141.pdf>

Federal Highway Administration – Florida Division

<http://www.fhwa.dot.gov/fldiv/>

Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS)

<https://www.fsrs.gov/>