

**DISTRICT FOUR (4) AMENDMENT NUMBER ONE (1) TO STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION LANDSCAPE
MEMORANDUM OF AGREEMENT**

THIS AMENDMENT Number One (1) to the Agreement dated March 1, 2004, made and entered into this _____ by and between the State of Florida **DEPARTMENT** of Transportation hereinafter called the **DEPARTMENT** and **MARTIN COUNTY**, a political subdivision of the State of Florida, hereinafter called the **AGENCY**.

W I T N E S S E T H

WHEREAS, the **DEPARTMENT** has jurisdiction over State Road 732 as part of the State Highway System; and

WHEREAS, the parties entered into the Maintenance Memorandum of Agreement dated, March 1, 2004, for the purpose of safety, protection of the investment and other reasons; and

WHEREAS, the **AGENCY** does maintain the spoil island shorelines and is utilizing the spoil islands as public parks and recreational areas; and

WHEREAS, the **AGENCY** does maintain certain **IMPROVEMENTS** on the spoil islands within the right of way of State Road 732; and

WHEREAS, this amendment is to clarify the maintenance responsibilities pertaining the spoil islands identified in Exhibit A1 as referenced in the letter dated December 2, 2013 from the Department's District Secretary, (Attached as "Exhibit B"); and

WHEREAS, the **AGENCY** is agreeable to continue maintaining those **IMPROVEMENTS** including seawalls, and barrier walls, signs and fencing, mechanical, sanitation and electrical equipment, and all recreational amenities such as boat ramps, docks, fishing piers, buildings or shelters, pedestrian walkways, and any such future **IMPROVEMENTS** installed for recreational public use; and

WHEREAS, the **AGENCY** by Resolution No. _____ dated _____, attached hereto and by this reference made a part hereof, desires to enter into this Amendment and authorized its officers to do so.

NOW THEREFORE, for and in consideration of mutual benefits that flow each to the other, the parties covenant and agree as follows:

1. The Maintenance Memorandum of Agreement for State Road 732 dated March 1, 2004, shall be amended to include Exhibit A1 identifying the spoil islands within the limits of the original agreement.
2. The **AGENCY** agrees to continue to maintain the spoil islands and additional **IMPROVEMENTS**

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in the Agreement described above. Maintenance shall include protection and repair of the shorelines. The **AGENCY** is solely responsible for all facility, equipment and utility costs related to the recreational use of the islands and shall be responsible for ensuring the spoil islands are kept free of litter and garbage; and

3. The **DEPARTMENT** agrees to maintain the paved roadway and parking areas on the spoil islands and the highway access ramps connecting SR 732 to the spoil islands.

Except as modified by this Amendment, all terms and conditions of the original Agreement and all Amendments thereto shall remain in full force and effect.

LIST OF EXHIBITS

Exhibit A1: Improvement Limits and Maintenance Boundaries and Location Map
Exhibit B: District Secretary letter

In Witness whereof, the parties hereto have executed with this Amendment effective the ____ day _____ 2019 written and approved.

MARTIN COUNTY

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Edward V. Ciampi, Chairman

By: _____
Transportation Development Director

Attest: _____(SEAL)
Carolyn Timmann, Clerk of the Circuit
Court and Comptroller

Attest: _____(SEAL)
Executive Secretary

Legal Review _____ Date _____
Sarah W. Woods, County Attorney

Legal Review _____ Date _____
Office of the General Counsel

EXHIBIT A1

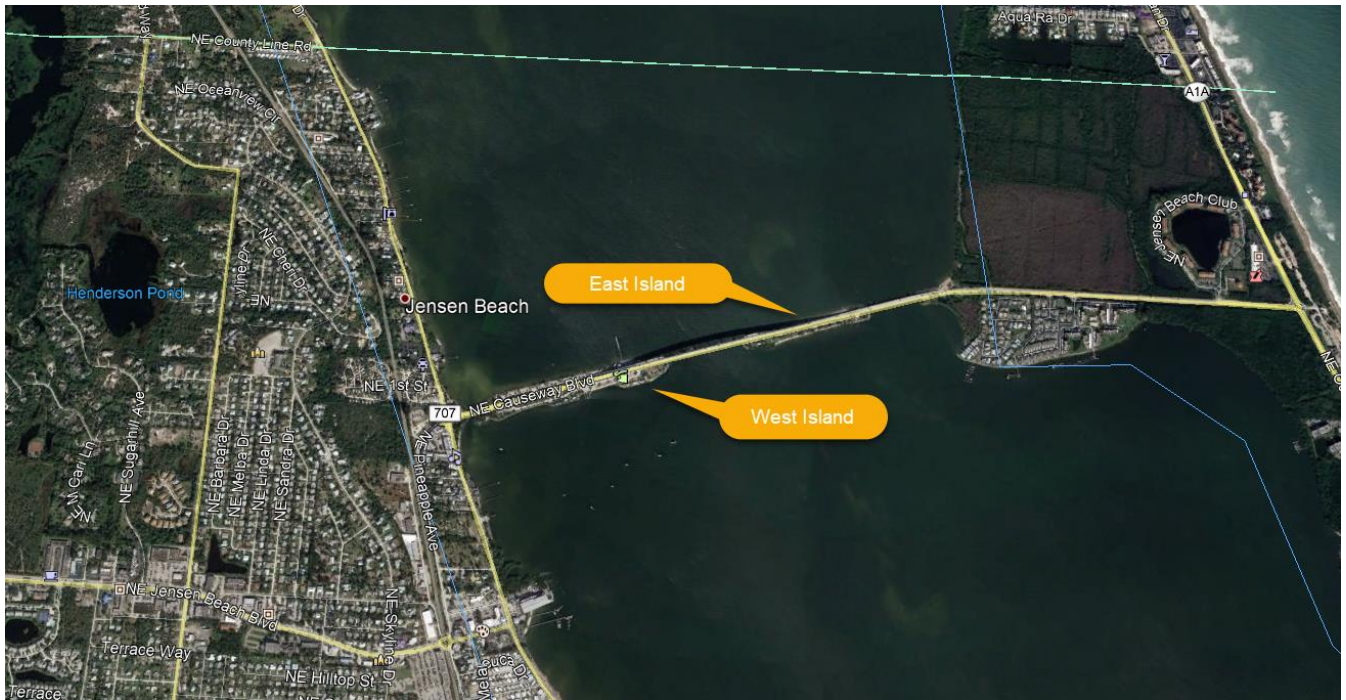
LANDSCAPE IMPROVEMENTS PROJECT LIMITS

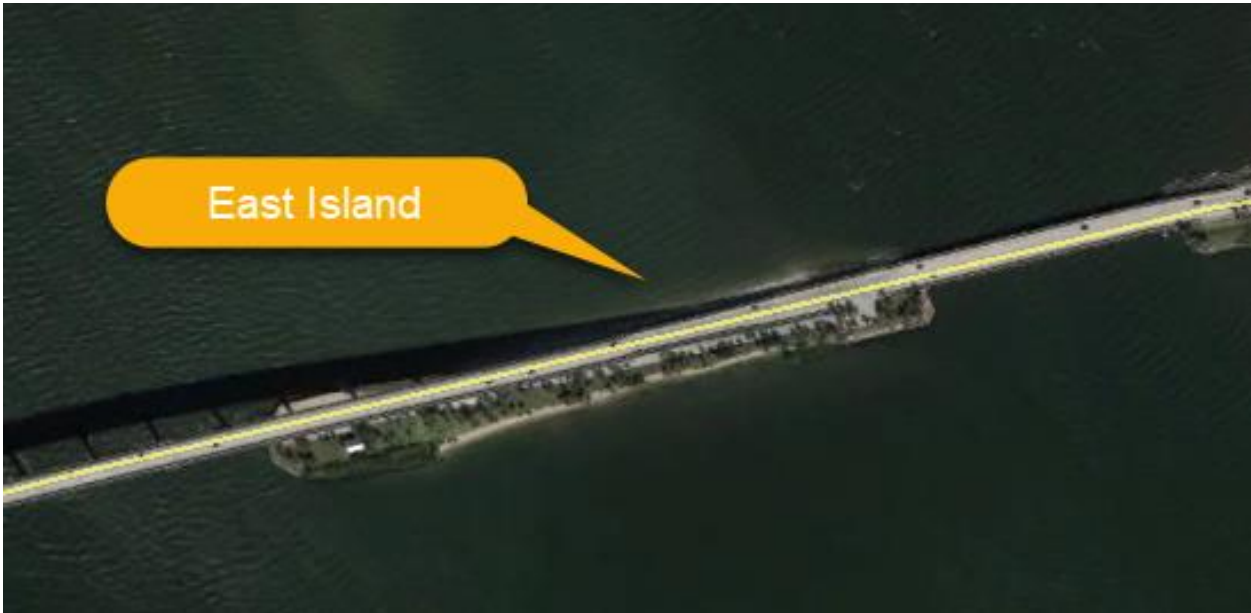
MAINTENANCE BOUNDARIES LIMITS AND LOCATION MAP

I. MAINTENANCE BOUNDARY LIMITS MAP:

*All limits of the original agreement and amendments shall apply

SR 732 MP 26.800 TO MP 28.406
JENSEN BEACH CAUSEWAY SPOIL ISLANDS





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EXHIBIT B

DEPARTMENT DISTRICT SECRETARY LETTER DATED DECEMBER 2, 2013

THE REFERENCED LETTER IS ATTACHED HERETO AND INCORPORATED HEREIN.

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RECEIVED

DEC 13 2013

ENGINEERING

Florida Department of Transportation

RICK SCOTT
GOVERNOR

3400 W. Commercial Blvd.
Ft. Lauderdale, FL 33309

ANANTH PRASAD, P.E.
SECRETARY

December 2, 2013

Don Donaldson, P.E., Engineering Director
Martin County Engineering
2401 S.E. Monterey Road
Stuart, FL 34996

SUBJECT: Shoreline Damage to the Stuart and Jensen Beach Causeways

Dear Mr. Donaldson:


Thank you for your November 5, 2013, letter to the Department regarding the shoreline damage from Tropical Storm Sandy at the Stuart and Jensen Beach Causeways and your request for the Department to participate in the cost of the construction required to repair the damage.

In response to your letter, the spoil islands are not structural components of the existing bridges and are not required. It was never the Department's intention to accept responsibility for the continual maintenance and repair of the erosion control measures required to protect these islands and as such the Department will not participate in the cost or construction of these repairs. In the event that there are safety concerns for visitors to the park due to the erosion of the shorelines, the Department will install fencing to keep patrons from entering these unsafe areas.

We understand Martin County's interest in maintaining the parks and amenities constructed on the islands. The Department will continue to honor its commitment to provide maintenance of the paved parking areas and access ramps as addressed in the MMOA prepared during the design and construction of these facilities.

If you have questions or comments, please contact Courtney Drummond, P.E., District Director of Operations at 954-777-4106 or courtney.drummond@dot.state.fl.us.

Sincerely,



James A. Wolfe, P.E.
District Secretary
District Four

JAW/dh

cc: Courtney Drummond, P.E.
Daniel Hiden, P.E.
Cheryl Seinfeld

www.dot.state.fl.us