

SECTION No.: 93010
S.R. No.: 5
Permit No: 2018-L-496-00018
COUNTY: PALM BEACH

**DISTRICT FOUR (4) AMENDMENT NUMBER TEN (10) TO STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION INCLUSIVE LANDSCAPE
MEMORANDUM OF AGREEMENT**

THIS AMENDMENT Number TEN (10) to the Agreement dated August 31, 2012, made and entered into this _____ day of _____ 20____ by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT and the CITY OF DELRAY BEACH, a municipal corporation of the State of Florida, hereinafter called the AGENCY.

W I T N E S S E T H

WHEREAS, the parties entered into the Landscape Inclusive Maintenance of Agreement dated, August 31, 2012 for the purpose of maintaining the landscape improvements by the AGENCY on various roads including State Road 5 (US 1); and,

WHEREAS, the DEPARTMENT and the AGENCY (via an adjacent property owner) have agreed to add additional landscape improvements to be installed on State Road 5 (US 1) in accordance with the above referenced Agreement; and,

WHEREAS, the parties hereto mutually recognize the need for entering into an Amendment designating and setting forth the responsibilities of each party, and

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

Pursuant to Page 7, Paragraph 9 of the Landscape Inclusive Maintenance Memorandum of Agreement as amended by Amendment Number One (1) for State Road 5 (US 1) dated August 31, 2012, the DEPARTMENT will allow an adjacent property owner to construct additional landscape improvements or to modify an improvement located as indicated in **Exhibit "A"**, State Road 5 (US 1) from M.P.1.321 to M.P.1.447, in accordance with the plans attached as **Exhibit "B"**.

1. The Agency shall agree to and maintain the additional landscape improvements in the Inclusive Agreement described above according to the plan attach as **Exhibit "B"**.
2. The AGENCY shall agree to maintain the additional landscape improvements in the original Inclusive Agreement described above in accordance with the Maintenance Plan For Landscape Improvements, **Exhibit "C"** of the original agreement and also as follows:

For aesthetic appearance, and to prevent a slippery walking surface, clean pavers regularly to prevent mold and grime build-up.

To ensure healthy, thriving palms, fertilize with palm-specific fertilizer per manufacturer's direction.

Check all plant material regularly to keep any disease or pest infections in check. Treat as needed following pesticide and disease control instructions carefully per manufacturer's direction.

Test irrigation system regularly to verify there is no leaking, broken or non-functioning nozzles. Repair as necessary.

To ensure adequate irrigation coverage, clean nozzles regularly to prevent particulate build-up.

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 A - Landscape Improvements Limits and Maintenance Boundaries
and Location Map

Exhibit B - Landscape Improvement Plans

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

CITY OF DELRAY BEACH

By: _____
Chairperson/Mayor/Manager

Attest: _____ (SEAL)
Clerk

Legal Review Date

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Transportation Development Director

Attest: _____ (SEAL)
Executive Secretary

Legal Review Date

Office of the General Counsel

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EXHIBIT A

LANDSCAPE IMPROVEMENTS PROJECT LIMITS MAINTENANCE BOUNDARIES LIMITS AND LOCATION MAP

- I. LANDSCAPE PROJECT MAINTENANCE LIMITS:
State Road 5 (US 1) from (M.P. 1.321) to (M.P. 1.447)
- II. INCLUSIVE LANDSCAPE MAINTENANCE AGREEMENT LIMITS FOR STATE ROAD 5 (US 1):
Section 93010101
State Road 5 (US 1) (Median south of Bond Way) (M.P. 0.00) to (Median south of Harbourside Drive) (M.P. 2.377)
- III. LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARY LIMITS MAP:

*All limits of the original agreement and amendments shall apply

Please See Attached

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EXHIBIT B
LANDSCAPE IMPROVEMENT PLANS

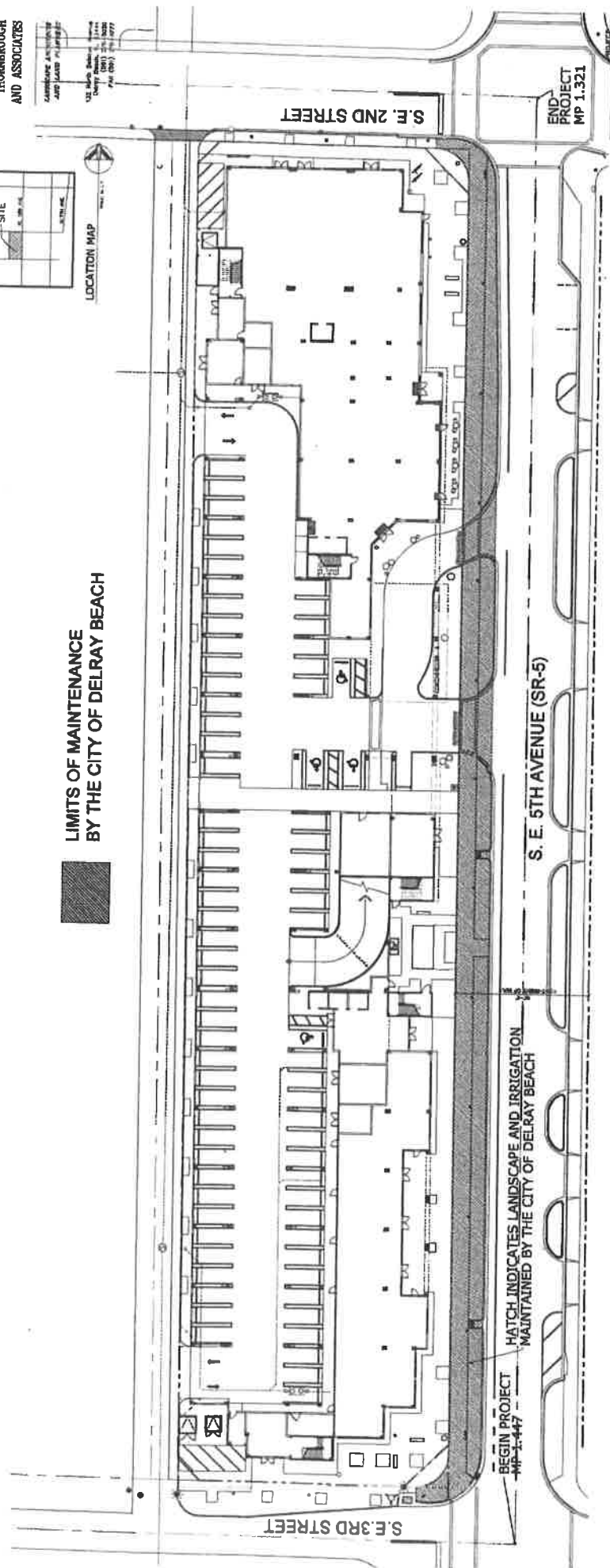
The AGENCY agrees to install the landscape improvements in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: Carol Borough Perez, LA.
AGTLAND
A. Grant Thornbrough, Landscape Architects

Date: December 11, 2018
Sheets: LP – 1
LP – 2
IR – 1



LIMITS OF MAINTENANCE BY THE CITY OF DELRAY BEACH



END-
PROJECT
MP 1.321

SAMAR MIXED USE
02 SE 5th AVENUE
DELRAY BEACH, FL

TITLE	PROJ. NO.	FILE NAME	DATE	REV
Carol Borough Perez, Landscape Architect 0001459			9-22-16	
			COMMENTS	

over

PERMIT # 16L-496-0006-92010

GROUND FLOOR

LANDSCAPE IMPROVEMENT MAINTENANCE BOUNDARY MAP

CITY OF DELRAY BEACH



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LANDSCAPE IMPROVEMENT PLANS

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