

RESOLUTION NO. 22-95

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE TRANSFER OF PHILIP GRIFFITTS SR. PARKWAY AND PORTIONS OF NAUTILUS STREET ROADWAY.

BE IT RESOLVED that the appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and the Florida Department of Transportation, relating to the transfer of all rights and obligations of Philip Griffitts Sr. Parkway and Nautilus Street roadway, in substantially the form **attached** and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 10th day of February, 2022.

CITY OF PANAMA CITY BEACH

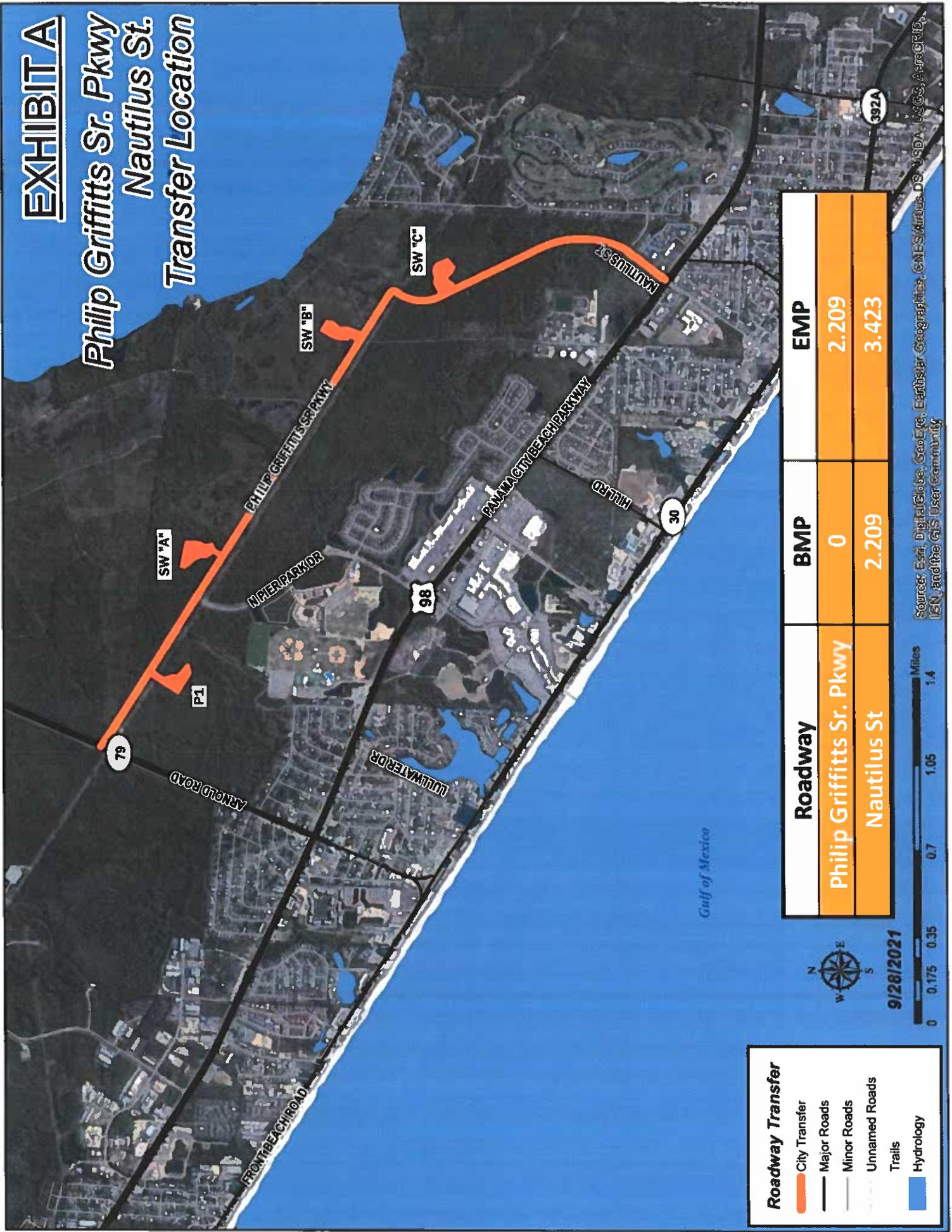
By: 
Mark Sheldon, Mayor

ATTEST:


Lynne Fasone, City Clerk

EXHIBIT A

Philip Griffiths Sr. Pkwy Nautilus St. Transfer Location



Roadway Transfer

- City Transfer
- Major Roads
- Minor Roads
- Unnamed Roads
- Trails
- Hydrology

Roadway	BMP	EMP
Philip Griffiths Sr. Pkwy	0	2.209
Nautilus St	2.209	3.423



9/26/2021

Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

KEVIN J. THIBAUT, P.E.
SECRETARY

MEMORANDUM

Date: February 15th, 2022
To: Ed Hutchison, Manager Transportation Statistics Office
From: Phillip Gainer P.E. District 3 Secretary 
Subject: Roadway Jurisdiction Transfers (RJT), in Bay County

District Three requests approval of the following Road Jurisdiction Transfers (RJT):

To the State Highway System:

1. Philip Griffiths Sr. Parkway from State Road 79 Arnold Road (Beginning Mile Point 0.000) to Nautilus Street (Ending Mile Point 2.209) for an approximate segment net length of 2.209 miles and Nautilus Street from Philip Griffiths Sr. Parkway (Beginning Mile Point 2.209) to US 98 (SR 30A) Back Beach Road (Ending Mile Point 3.423) for an approximate net length of 1.214. Total approximate net length of both segments is 3.423 (See enclosed Location map "Exhibit A")

Total mileage to be added to the State Highway System: 3.423.

This transfer is mutually agreed upon, between the City Commission of the City of Panama City Beach Florida, and the DEPARTMENT. Panama City Beach approved the roadway transfer through County Resolution (No. 22-95) on February 10th, 2022. The information regarding the location and conditions concerning ownership and maintenance responsibilities of the roadways is specified in the attached Roadway Transfer Agreement.

The portions of Philip Griffiths Sr. Parkway and Nautilus Street proposed in the jurisdictional transfer no longer properly serve the functions of the City Road System. Due to the nature of the aforementioned portions it has been determined these roadways would function best if managed and owned by the Florida Department of Transportation and would aid in regional connectivity for the Department as this facility connects to US 98/SR 30A which is a SIS Facility and SR 79 which provides connection to the Northwest Florida Beaches International Airport.

The following information is enclosed in support of this transfer:

- Roadway Jurisdictional Transfer Form;
- Road Jurisdiction Transfer Agreement between the City of Panama City Beach and the Department;
- Resolution authorizing the Road Jurisdiction Transfer Agreement;
- Location Map;

Should you concur with the proposed action upon your review, please forward this request to Secretary, Kevin Thibault, for his review and approval.

Please contact Corey Webb in our Planning Office at (850) 330-1541 (corey.webb@dot.state.fl.us) if you have any questions or need additional information on the proposed action.

Enclosures (4)

Cc: District Three Officials .

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY SYSTEM MILEAGE

Approved:

3-8-2022

Effective Date

Road Jurisdiction Transfer from the city of Panama City Beach to the State Highway System

The below described road segments are formally transferred off the Panama City Beach City Street System to the State Highway System, for a total length of 3.423 miles, in accordance with Section 335.0415, Florida Statutes. The City has agreed to the transfer and all provisions listed in the executed Transfer Agreement and supporting Resolution between the Department and The City of Panama City Beach.

- | | |
|---|--|
| 1. Roadway ID: <u>N/A</u>
U.S. Number (Current): <u>N/A</u>
Road Number (Current): <u>N/A</u>
Jurisdiction (Current): <u>City</u>
From: <u>SR 79 Arnold Road</u>
(Milepoint: <u>0.000</u>)
Segment Length: <u>2.209</u> miles | Local Name: <u>Philip Griffitts Sr. Parkway</u>
Proposed: <u>N/A</u>
Proposed: <u>N/A</u>
Proposed: <u>State</u>
To: <u>Nautilus Street</u>
(Milepoint: <u>2.209</u>) |
| 2. Roadway ID: <u>N/A</u>
U.S. Number (Current): <u>N/A</u>
Road Number (Current): <u>N/A</u>
Jurisdiction (Current): <u>City</u>
From: <u>Philip Griffitts Sr. Parkway</u>
(Milepoint: <u>2.209</u>)
Segment Length: <u>1.214</u> miles | Local Name: <u>Nautilus Street</u>
Proposed: <u>N/A</u>
Proposed: <u>N/A</u>
Proposed: <u>State</u>
To: <u>US 98 (SR 30) Back Beach Road</u>
(Milepoint: <u>3.423</u>) |

Florida Department of Transportation/City of Panama City Beach
ROADWAY TRANSFER AGREEMENT
Philip Griffitts Sr. Parkway/Nautilus Street from the City Street System
to the State Highway System

THIS AGREEMENT, made and entered into this 11th day of February, 2022, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter called the "DEPARTMENT," and the CITY OF PANAMA CITY BEACH, hereinafter called the "CITY." The DEPARTMENT and the CITY are sometimes referred to in this Agreement as a "Party" and collectively as the "Parties."

WITNESSETH

WHEREAS, the CITY has requested the transfer of Philip Griffitts Sr. Parkway from SR 79 Arnold Road (Beginning Mile Post 0.000) to Nautilus Street (Ending Mile Post 2.209) for an approximate segment net length of 2.209 miles and Nautilus Street from Philip Griffitts Sr. Parkway (Beginning Mile Post 2.209) to US 98 (SR 30A) Back Beach Road (Ending Mile Post 3.423) for an approximate segment net length of 1.214. Total approximate net length of 3.423 (the "Road Segments") from the City Street System to the State Highway System, and as depicted on the map attached hereto as Exhibit "A", and this transfer is mutually agreed upon between the CITY and the DEPARTMENT, and

WHEREAS, section 335.0415, Florida Statutes, authorizes the Parties to enter this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the CITY and DEPARTMENT agree as set forth below:

1. The Recitals set forth in the Whereas clauses above are true and are by reference made a part of this Transfer Agreement.
2. This Transfer Agreement sets forth the terms and conditions under which the CITY and the DEPARTMENT will abide.
3. By resolution, attached hereto as Exhibit "B", the CITY has authorized its representative to enter this Transfer Agreement.
4. This Agreement and transfer of the Roadway are subject to final written approval by the Secretary of the Department, which shall serve as the effective date of this Agreement. The commencement of jurisdictional and maintenance responsibilities is the date of approval of the roadway transfer by the Secretary of the Department.

5. With respect to the Road Segment:

- a) The DEPARTMENT accepts all responsibility for the right of way and for operation and maintenance of the roadway. In addition to the roadbed, this Agreement includes all curbs, culverts, and drainage structures within the right of way at the time of transfer.
 - b) The DEPARTMENT shall be responsible for maintenance of the right of way and of public sidewalks, bike paths, and other ways in the right of way.
 - c) The CITY gives up all rights to the Road Segment, including the right of way, except as may be specified in this Agreement.
 - d) It is agreed that all obligations of the CITY, under any maintenance, utility, or railroad crossing agreement, permit or other agreement, relating to the Road Segment, shall be transferred at the same time and in the same manner as jurisdictional responsibility. If the agreements were made between the DEPARTMENT and the CITY, and the CITY will no longer be involved after the transfer takes place, new agreements or amended agreements shall be made between the DEPARTMENT and the CITY. These agreements shall be negotiated and signed prior to District Secretary approval of the final Transfer Agreement. The CITY acknowledges that copies of any existing permits, agreements, and easements have been turned over to the DEPARTMENT for their records prior to the execution of this agreement.
 - e) Transfer of the Roadway from the City to the DEPARTMENT shall be by right-of-way map transfer ("Map Transfer"). The DEPARTMENT shall deliver the Map Transfer to the CITY within sixty (60) days of the Effective Date of this Agreement, or as soon thereafter as practicable. The DEPARTMENT shall record the Map Transfer at the DEPARTMENT's sole cost and expense in the Bay County Public Records within 60 days of its receipt and provide the CITY with a copy of the recorded conveyance document upon receipt of the same from the recording office.
6. All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.
7. This Transfer Agreement embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein, and this Transfer Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the Parties hereto.

8. This Transfer Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
9. The Parties may be reached at the following addresses and phone numbers.

Florida Department of Transportation
Director, Transportation Development
Post Office Box 607
1074 Highway 90

Chipley, FL 32428
Telephone: (850) 330-1214
Fax: (850) 330-1761

City of Panama City Beach

Drew Whitman
City Manager
17007 Panama City Beach
Parkway
Panama City Beach, FL 32413
Telephone: (850) 233-5100

10. Each Party is an independent contractor and is not an agent of the other Party. Nothing contained in this Transfer Agreement shall be construed to create any fiduciary relationship between the Parties, during or after the performance of this Transfer Agreement. Neither Party shall have the authority to bind the other Party to any obligation whatsoever to any third party without the express specific written consent of the other.
11. No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith
12. If any part of this Transfer Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by any other legally constituted body having the jurisdiction to make such determination, the remainder of this Transfer Agreement shall remain in full force and effect provided that the part of this Transfer Agreement thus invalidated or declared unenforceable is not material to the intended operation of this Transfer Agreement.

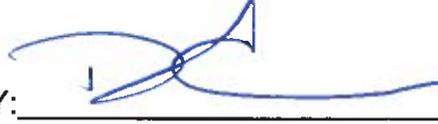
IN WITNESS WHEREOF, the Parties hereto have caused this Transfer Agreement to be executed, the day and year first above written.

Signature page follows.

CITY OF PANAMA CITY BEACH

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

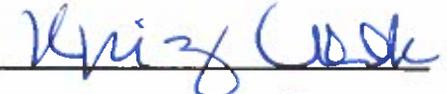
BY: 
City Manager, Draw Whitman

BY: 
Phillip Gainer, P.E.
District Secretary

Date: 02/11/2022

Date: 3/2/22

ATTEST: 

ATTEST: 

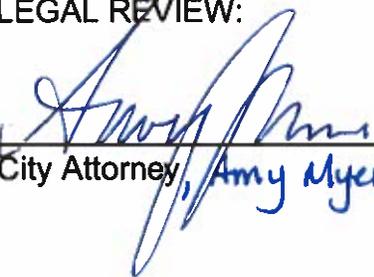
Title: Lynne Fasone, City Clerk

Title: Executive Assistant

Date: 02/11/2022

Date: 3/2/22

LEGAL REVIEW:

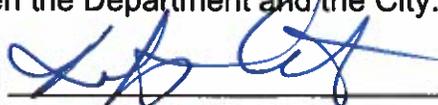

City Attorney, Amy Myers

LEGAL REVIEW:


Office of General Counsel
Department of Transportation

FINAL APPROVAL BY THE SECRETARY OF TRANSPORTATION

The Secretary of the Florida Department of Transportation approves the transfer and all provisions listed in this executed Transfer Agreement and the supporting Resolution between the Department and the City.

Signed 
Kevin J. Thibault, P.E.
Secretary
State of Florida, Department of Transportation

Date: 3-8-2022