

**SECTION No.(s): 88070
S.R. No.(s): A1A
PERMIT No: 2017-L-490-0003
COUNTY: INDIAN RIVER**

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

THIS AMENDMENT Number One (1) to the Agreement dated April 2, 2013, made and entered into this _____ day of _____ 20____ by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT and the **INDIAN RIVER 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 parties entered into a Landscape Maintenance Memorandum of Agreement dated, April 2, 2013 for the purpose of maintaining the landscape improvements by the AGENCY on State Road A1A; and,

WHEREAS, the AGENCY (through and adjacent property owner) has agreed to add additional landscape to be installed on State Road A1A) in accordance with the above referenced Agreement; and,

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

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

1. The DEPARTMENT shall modify the Agreement dated April 2, 2013 to correct the most southerly and northerly limits' milepost at the intersection of State Road A1A and Spyglass Lane by adding the following provisions:

Modify the limits of the original agreement at the intersection of State Road A1A and Spyglass Lane from (M.P. 2.084) to corrected (M.P. 1.560). The northerly end milepost at Moorings Golf Maintenance Entrance from (M.P. 2.897) to corrected (M.P. 2.987). The limits therefore shall include State Road A1A from Spyglass Lane (M.P. 1.560) to Moorings Golf Maintenance Entrance ((M.P. 2.987)

2. The following provision shall be added to the Agreement:

ADJACENT PROPERTY OWNER IMPROVEMENTS

The DEPARTMENT may allow an adjacent property owner to construct additional landscape improvements within the limits of the right of way identified in Exhibit A of this document that the AGENCY shall be responsible for maintaining under this agreement subject to the following conditions:

- (a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT and shall require a valid permit attached with a letter of consent to said plans by the AGENCY. The plans shall not be changed or deviated from without written approval by the DEPARTMENT and the AGENCY.
 - (b) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.
 - (c) The AGENCY agrees to comply with the requirements of the Agreement with regard to any additional landscape improvements installed by an adjacent owner.
 - (d) If the Adjacent Property Owner's landscape improvements include additional maintenance requirements, the DEPARTMENT and the AGENCY shall agree in writing and shall enter into an Agreement describing the additional requirements.
3. Pursuant to the provision added in Section 1 of this amendment the AGENCY has agreed to allow the Adjacent Property Owner to construct additional landscape improvements or to modify an improvement located as indicated in **Exhibit "A"** on State Road A1A between (M.P. 1.569) to (M.P. 1.968) in accordance with the plans attached as **Exhibit "B"**.
 4. The AGENCY shall agree to maintain the additional landscape improvements in the Agreement described above according the **Exhibit "C"** Maintenance Plan, attached.

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
- Exhibit B - Landscape Improvement Plans
- Exhibit C – Maintenance Plan

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

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

BY: _____
Peter D. O'Bryan, Chairman

BCC Approved: _____

Attest: Jeffrey R. Smith, Clerk of Court and
Comptroller

By: _____
Deputy Clerk

Approved as to form and legal sufficiency

William K. DeBraal
Deputy County Attorney

Approved:

By _____
Jason E. Brown
County Administrator

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

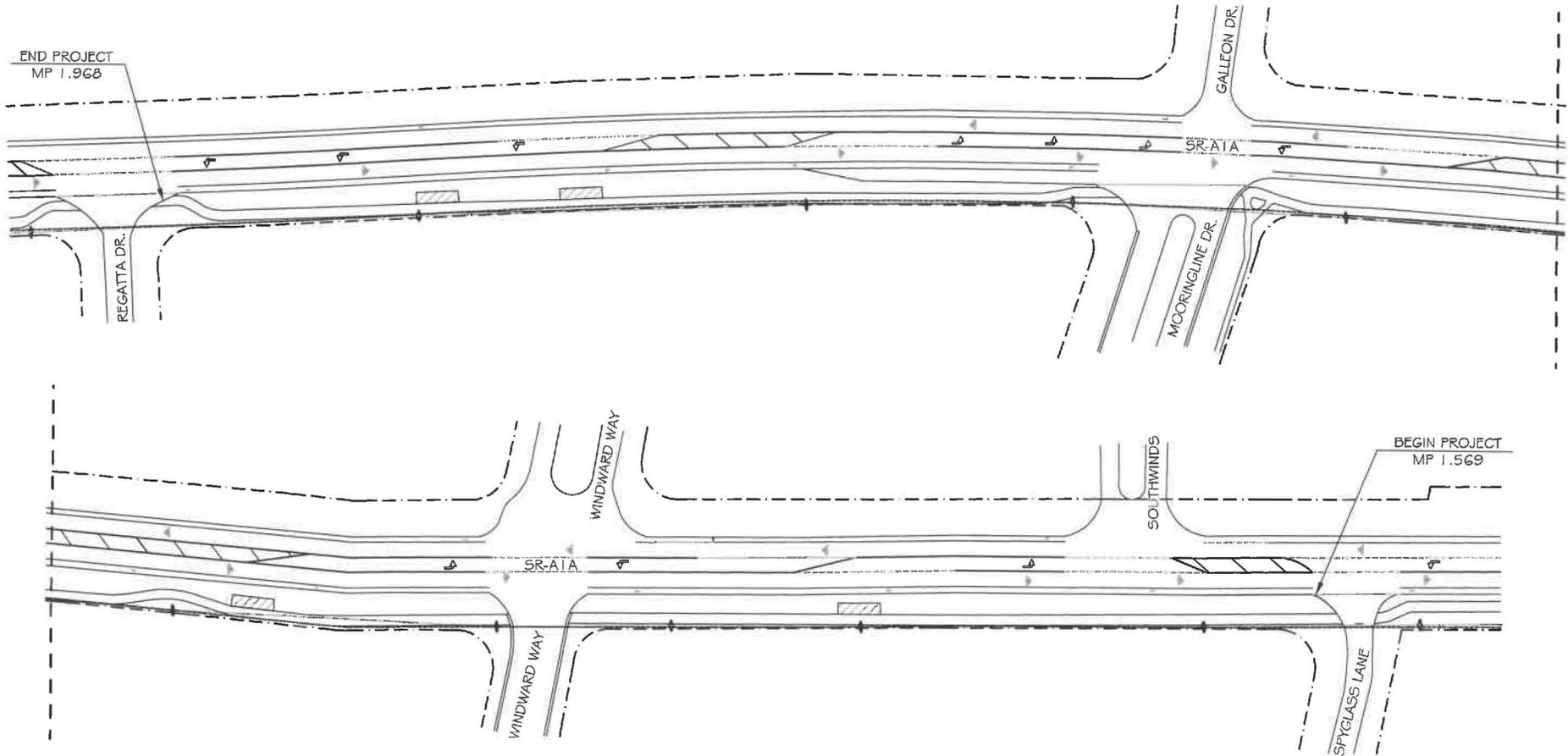
LANDSCAPE IMPROVEMENTS LIMITS
AND MAINTENANCE BOUNDARIES

- I. ORIGINAL LANDSCAPE MAINTENANCE AGREEMENT LIMITS [MISSTATED]:
State Road A1A from Spyglass Lane (M.P. 2.084) to Moorings Golf Maintenance Entrance (M.P. 2.897)
- II. AMENDED AGENCY MAINTENANCE LIMITS:
State Road A1A from Spyglass Lane (M.P. 1.560) to Moorings Golf Maintenance Entrance ((M.P. 2.987)
- III. LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARY MAP FOR PERMIT 2017-L-490-0003:

PERMIT LANDSCAPE PROJECT LIMITS:
State Road A1A from M.P. 1.569 to M.P. 1.968

Please See Attached

LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARY MAP
INDIAN RIVER COUNTY
FDOT PERMIT NO. 2017-L-490-0003



 LIMITS OF MAINTENANCE
BY INDIAN RIVER COUNTY

SECTION No.(s): 88070
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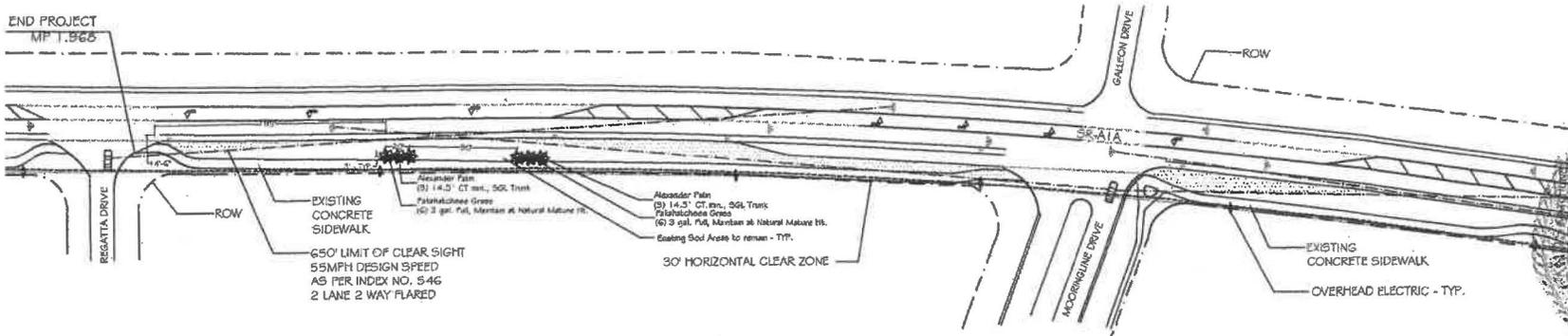
EXHIBIT B

LANDSCAPE IMPROVEMENT PLANS

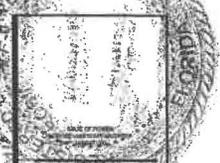
The AGENCY agrees to install the landscape improvements in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: Robin Pelensky, RLA
Surlaterre Landscape Architecture LLC

Date: May 24, 2017



surlatterre
 LANDSCAPE ARCHITECTURE, LLC
 P.O. Box 1091, Vero Beach, Florida 32981
 772.313.4148
 LICENSE #ENR00145
 LICENSE #ENR00145



P. Fealey
 5/24/17

A1A D.O.T. RIGHT OF WAY PLANTING PLAN / DETAILS
THE MORINGS P.O.A.
 INDIAN RIVER COUNTY, FL

FDOT GENERAL RULES

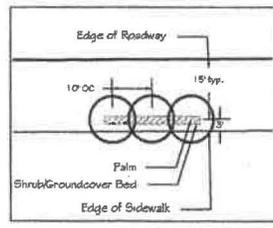
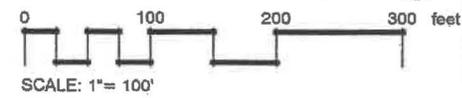
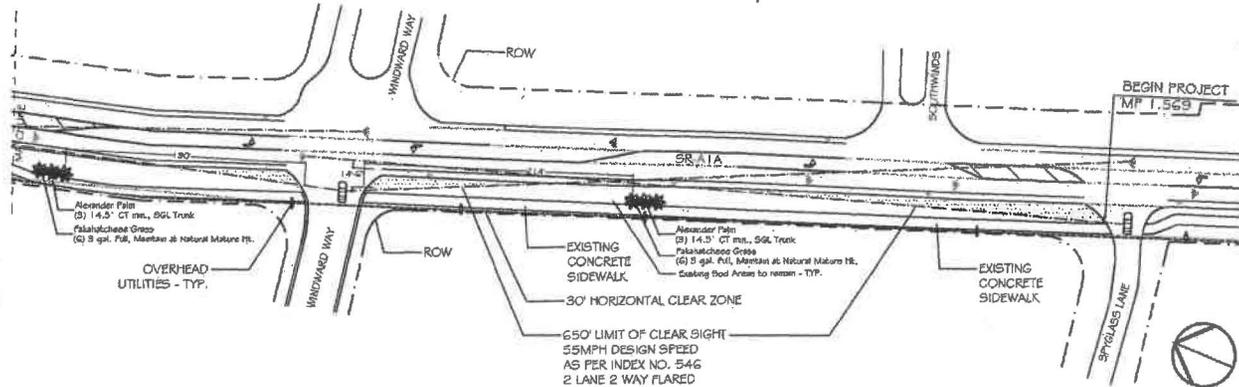
Ownership of all suitable excavated materials, as determined by the Department, shall remain in the Department until a final acceptance of the permitted project is fulfilled. Excavated materials shall be hauled by the Permittee, at their cost & expense from the site to the Treasure Coast Operations Center or stockpiled in those areas as directed by the Department, including asphalt millings.

FDOT PLANTING NOTES

Cypress Mulch is not permitted on FDOT right of way. Mulch permitted to be used are Hardwood Mulch (containing no Cypress products), Recycled Mulch or approved equal, certified by the Mulch and Soil Council (MSC). Submit proof of certification to the FDOT District Operations Permit Landscape Inspector upon inspection.

NOTE TO CONTRACTOR:

- Note all underground utilities and drainage pipes when planting.
- Contractor shall repair any and all damage done to FDOT property during demolition, relocation and/or installation activities at his sole expense.
- Installation shall comply with current FDOT standard specifications 580-2.1.
- All landscape plant material will be installed according to FDOT Design Standard Index 544 Landscape Installation.
- All disturbed areas will be sodded within one (1) week of installation of said permitted work in accordance with Design Standard Index 105 and Standard Specifications Sections 162, 570, 981, 983, 987 of the Department's latest edition of Governing Standards and Standard Specifications.



PALM SPACING DETAIL - TYP.
 NTS



FDOT SAFETY NOTES

The design speed for State Road A1A is 55 mph. Per the FDOT Standard Design Index 546 only a tree species that is not expected to become greater than 4" in diameter when measured 6" above the ground is permitted within 30' from the travel lane. The proposed Alexander palms is a species that meets this criteria.

IRRIGATION NOTES

- The irrigation system shall use the lowest quality water available which adequately and safely meets the water needs of the system. Storm water, reclaim water, or grey water irrigation shall be used whenever possible.
- FDOT requires 24 hour emergency access to water source.
- Should the existing irrigation system not be functional for a period of time during construction, ensure that measures are taken to water the existing plant material and sod.
- 100% coverage must be achieved where existing irrigation modifications occur.
- In order to ensure the entire existing irrigation system is restored to fully functional condition, the contractor and maintaining agency are to perform a pre-installation visual inspection and performance test to document the condition of the existing system. Any repairs that are required to the existing system to remain will be performed by the maintaining agency prior to installation. Any existing or proposed components that are damaged during installation will be the responsibility of the contractor. The entire system must be restored to the same condition it was in before the start of construction.
- Contractor shall provide FDOT District Operations Manager with a set of "As-Built" irrigation plans, also showing the location of the controllers.

PLANT SCHEDULE

PALM TREES	COMMON NAME / BOTANICAL NAME	DESCRIPTION
12	Alexander Palm / <i>Pythosperma elegans</i>	14.5' CT min., 5GL Trunk
SHRUBS	COMMON NAME / BOTANICAL NAME	DESCRIPTION
24	Fakahatchee Grass / <i>Tripsacum dactyloides</i>	3 gal. Full, Maintain at Natural Mature Ht.
168 SF Non-Cypress Mulch		

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 The following drawings are representations of
 services by Surlatterre Landscape Architecture, all
 plans, designs, arrangements, and plans
 indicated or represented by this drawing are
 owned by and the property of the designer,
 and shall remain, unless, and developed
 for use on, and in accordance with the
 printed program. None of such design,
 design, arrangements, or plans shall be
 used by or provided to any person, firm, or
 corporation for any purpose whatsoever
 without the written permission of the
 designer.

DATE:
 5-28-17
 4-28-17 Revised per FDOT

SHEET:
 L2
 OF: 2

SECTION No.(s): 88070
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COUNTY: INDIAN RIVER

EXHIBIT C

MAINTENANCE PLAN

MAINTENANCE PLAN Landscape Improvements

Project State Road No(s): A1A from (M.P. 1.569) to (M.P. 1.968)
Permit No(s): 2017-L-490-0003
Maintaining Agency: Indian River County
RLA of Record: Robin Pelensky
Date: May 24, 2017

I. GENERAL MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS:

The purpose of a plan for the landscape improvements maintenance practices is to allow the plant material on your project to thrive in a safe and vigorous manner while fulfilling their intended purpose and conserving our natural resources. Plantings and all other landscape improvements shall be maintained to avoid potential roadway hazards and to provide required clear visibility, accessibility, clearance, and setbacks as set forth by Florida Department of Transportation (FDOT) governing standards and specifications: *FDOT Design Standards*, *FDOT Plans Preparation Manual Vol. I, Chapter 2.11* and *FDOT Standard Specifications for Road and Bridge Construction*, as amended by contract documents, and all other requirements set forth by the District 4 Operations Maintenance Engineer. The initial portion of the Maintenance Plan describes general maintenance requirements and recommendations. **The concluding section provides recommendations prepared by the Registered Landscape Architect of Record specific to the attached approved plans.**

WATERING REQUIREMENTS

Watering is a critical concern for not only the maintenance of healthy plant material but also for observing water conservation practices. The amount of water to apply at any one time varies with the weather, drainage conditions and water holding capacity of the soil. For plant materials that have been established, it is imperative that any mandated water restrictions be fully conformed to on FDOT roadways.

Proper watering techniques should provide even and thorough water dispersal to wet the entire root zone, but not saturate the soil or over-spray onto travel lanes.

IRRIGATION SYSTEM

The Agency shall ensure there are no roadway overspray or irrigation activities during daytime hours (most notably "rush hour" traffic periods). It is imperative the irrigation controller is properly set to run early enough that the watering process will be entirely completed before high traffic periods, while adhering to mandated water restrictions. To ensure water conservation, the Agency shall monitor the system for water leaks and the rain sensors to ensure they are functioning properly so that the system shuts down when there is sufficient rainfall.

INTEGRATED PLANT MANAGEMENT

An assessment of each planting area's soil is recommended to periodically determine the nutrient levels needed to sustain healthy, vigorous plant growth.

Palms, shrubs, trees and turf areas shall be fertilized in such a manner and frequency to ensure that the plant material remains healthy and vigorously growing. Please be alert to changes in fertilization types per University of Florida, Institute of Food and Agricultural Services (I.F.A.S.) recommendations. Establishment of an integrated pest management program is encouraged to ensure healthy plants, which are free of disease and pests.

MULCHING

Mulch planting beds in such a manner as to prevent weed growth, retain moisture to the plants, protect against soil erosion and nutrient loss, maintain a more uniform soil temperature, and improve the appearance of the planting beds. Avoid mulch mounded up on the trunks of trees, palms, and the base of shrubs to encourage air movement in this area which aids in lowering disease susceptibility. Cypress mulch is prohibited on state right of way.

PRUNING

All pruning, and the associated safety criteria, shall be performed according to American National Standard Institute (ANSI) A300 standards and shall be supervised by an International Society of Arboriculture (ISA) Certified Arborist. Pruning shall be carried out with the health and natural growth of plant materials in mind, to specific pruning heights maintaining clear visibility for motorists, and provide vertical clearance for pedestrian, bicyclist, and truck traffic where applicable. Visibility windows must be maintained free of view obstructions, and all trees and palms must be maintained to prevent potential roadway and pedestrian hazards, all palms are to be kept fruit free. The specific pruning heights are determined by understanding the designer's intent when selecting and placing the plants. The intended mature maintained height and spread of plants are noted on the plans (See Exhibit B.) and see Part II., Specific Project Site Maintenance Requirements and Recommendations as guidance. The understory plant materials selected for use within the restricted planting areas (Limits of Clear Sight) are to be mature height in compliance with Window Detail. Vertical tree heights must meet *FDOT Maintenance Rating Program (MRP)* standards. See Reference pages.

STAKING AND GUYING

All staking materials, except for replacements, are to be removed by the completion of FDOT establishment or after one year (whichever comes first). Any subsequent staking and guying activities by the Agency must adhere to *FDOT Design Standards* guidelines (See Index 544). The Agency shall closely monitor staking and guying attachment materials so that they are securely fastened to avoid potential roadway hazards.

TURF MOWING:

All grassed areas are to be mowed and trimmed with sufficient frequency to maintain a deep, healthy root system while providing a neat and clean appearance to the urban landscape. All turf efforts, mowing, curb/sidewalk edging and turf condition, must at a minimum, meet *FDOT Maintenance Rating Program (MRP)*.

LITTER CONTROL:

The project site shall remain as litter free as practicable. It is recommended to recycle this litter to avoid unnecessary waste by its reuse. Litter removal efforts must meet *FDOT Maintenance Rating Program (MRP)* standards.

WEEDING/HERBICIDE

All planting areas shall be maintained as weed free as practicable by enlisting integrated pest management practices in areas specified on the plans and maintaining proper mulch levels. Extreme care is recommended when using a chemical herbicide to avoid overspray onto plant materials. It is the applicator's responsibility to restore any damage resulting from overspray to the plantings, per the approved plans.

PLANT REPLACEMENT

Plant replacement shall be the same species and specification as the approved plan. Move and replace all plant materials that may conflict with utility relocations and service. Only plants graded Florida #1 or better, per the *Florida Department of Agriculture and Consumer Services, Grades and Standards for Nursery Plants* are permitted on FDOT roadways. Should it become necessary to change the species, a permit is required from FDOT for approval by the FDOT District Landscape Architect.

HARDSCAPE (SPECIALTY SURFACING)

All tree grates and specialty surfacing (if applicable) shall be maintained in such a manner as to prevent any potential tripping hazards and protect damage to the surfacing and tree grates. Final surface tolerance from grade elevations shall, at a minimum, meet the most current FDOT Maintenance Rating Program Handbook Pages 43-47; ADA accessible sidewalk; and FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on The State Highway System. If the specialty surfacing or tree grates become damaged, they shall be replaced with the same type and specification as the approved plan.

HARDSCAPE (CONCRETE PAVERS)

All tree grates and concrete pavers (if applicable) shall be maintained in such a manner as to prevent any potential tripping hazards and protect damage to the pavers and tree grates. Final surface tolerance from grade elevations shall, at a minimum, meet the most current *Interlocking Concrete Pavement Institute (ICPI), Guide Specifications for Pavers on an Aggregate Base, Section 23 14 13 Interlocking Concrete Pavers, Part 3.05*. If the specialty surfacing or tree grates become damaged, they shall be replaced with the same type and specification as the approved plan.

It shall be the responsibility of the AGENCY to maintain all signs located within a non-standard surfacing area. Such maintenance to be provided by the AGENCY shall include repair and replacement of the sign panel, post, and base.

HARDSCAPE (NON-STANDARD) TRAVELWAY SURFACING

It shall be the responsibility of the AGENCY to restore an unacceptable ride condition of the roadway, including asphalt pavement (if applicable), caused or contributed by the installation or failure of non-standard surfacing, and/or the header curb, on the Department of Transportation right of way within the limits of this Agreement. Pavement restoration areas or "patches" will have a minimum length of 10-ft, measured from the edge of the header curb, and a width to cover full lanes for each lane affected by the restoration.

Pavement restoration will be performed in accordance with the most current edition of the *FDOT Standard Specifications for Road and Bridge Construction*, and the *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*.

**HARDSCAPE (LANDSCAPE ACCENT LIGHTING)
(IF APPLICABLE)**

Landscape accent lighting shall be maintained in such a manner as to prolong the life of the lighting fixture and prevent potential safety hazards. If the lighting fixtures and their system become damaged, they shall be replaced with the same type and specification as the approved plan. Landscape lighting shall meet requirements for the sea turtle nesting and hatching.

MAINTENANCE OF TRAFFIC CONTROL

Reference the FDOT website regarding the selection of the proper traffic control requirements to be provided during routine maintenance and / or new installations of this DOT roadway.

**VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING (ODA)
(IF APPLICABLE)**

To avoid conflicts with permitted outdoor advertising, please reference the State of Florida website regarding the vegetation management of outdoor advertising. This website provides a portal to search the FDOT Outdoor Advertising Inventory Management System Database. The database contains an inventory of outdoor advertising structures, permits and other related information maintained by the Department.

Also, reference the *Florida Highway Beautification Program* website link for *Vegetation Management at ODA signs* Florida Statutes and Florida Administrative Code related to vegetation management at outdoor advertising sign, permit applications for vegetation management and determining mitigation value of roadside vegetation.

II. SPECIFIC PROJECT SITE MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS

Fakahatchee grass should be pruned back in early spring just prior to new shoot growth. Throughout the year, removed ragged, dead leave by combing the grass with a pitchfork.

Alexander palms are self-cleaning. Remove fallen fronds when necessary. Fertilize in spring and fall to maintain green fronds.

REFERENCES

This reference list is provided as a courtesy. The list may not contain the most current websites. The most current references must be accessed for up to date information.

Accessible Sidewalk (ADA)

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks>

Americans with Disabilities Act (ADA) (ADAAG)

http://www.ada.gov/2010ADASTandards_index.htm

American National Standard Institute, *ANSI A300, (Part 1) for Tree Care Operations – Trees, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)*, available for purchase

<http://webstore.ansi.org>

Florida Department of Agriculture and Consumer Services, Division of Plant Industry, *Florida Grades and Standards for Nursery Plants 2015*

<http://www.freshfromflorida.com/Divisions-Offices/Plant-Industry/Bureaus-and-Services/Bureau-of-Plant-and-Apiary-Inspection>

Florida Department of Community Affairs (DCA), *Florida Board of Building Codes & Standards, 2017 Florida Building Code, Chapter 11 Florida Accessibility Code for Building Construction Part A*

http://www2.iccsafe.org/states/florida_codes/

Florida Department of Transportation, *Program Management, Maintenance Specifications Workbook Supplemental Specifications, Section 580 Landscape Installation*

<http://www.fdot.gov/programmanagement/Maintenance/2018Jan/default.shtm>

Florida Department of Transportation, *FDOT Standard Plans for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 580-001 Landscape Installation*

<http://www.fdot.gov/design/standardplans/current/IDx/580-001.pdf>

Florida Department of Transportation, *FDOT Design Manual for Design, Construction, Maintenance and Utility Operations on the State Highway System, Chapter 212.11 Clear Sight Triangles*

<http://www.fdot.gov/roadway/FDM/current/2018FDM212Intersections.pdf>

Florida Department of Transportation, *FDOT Design Manual for Design, Construction, Maintenance and Utility Operations on the State Highway System, Chapter 215.2.3 Clear Zone Criteria and 215.2.4 Lateral Offset*

Table 215.2.1 Clear Zone Width Requirements

Table 215.2.2 Lateral Offset Criteria (for Trees)

<http://www.fdot.gov/roadway/FDM/current/2018FDM215RoadsideSafety.pdf>

Florida Department of Transportation, *FDOT Standard Plans for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index Series 102-600 Traffic Control through Work Zones*
<http://www.fdot.gov/design/standardplans/current/IDx/102-600.pdf>

Department of Transportation, Landscape Architecture Website
www.MyFloridaBeautiful.com

Florida Department of Transportation, *Maintenance Rating Program Handbook*
<http://www.dot.state.fl.us/statemaintenanceoffice/MaintRatingProgram.shtm>

Florida Department of Transportation Outdoor Advertising Database
<http://www2.dot.state.fl.us/rightofway/>

Florida Exotic Pest Plant Council Invasive Plant Lists
<http://www.fleppc.org/list/list.htm>

Florida Irrigation Society
<http://www.fisstate.org>

Florida Power and Light (FPL), *Plant the Right Tree in the Right Place*
http://www.fpl.com/residential/trees/right_tree_right_place.shtml