

MEMORANDUM OF AGREEMENT

THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

and

THE CITY OF ORLANDO

This Memorandum of Agreement (the “MOA”) is entered into by and between the **State of Florida Department of Transportation**, an executive agency of the State of Florida having a business address located at 719 South Woodland Boulevard, DeLand, Florida, 32720 (hereinafter referred to as the “Department”) and the **City of Orlando**, a municipality incorporated under the laws of the State of Florida, having a business address at 400 S. Orange Avenue, Orlando, FL 32802 (“City”).

WHEREAS, the Department and the City have previously entered into an Airspace Agreement on September 27, 2010 for the area located underneath I-4 in downtown Orlando that establishes what is known as the “Bridge District” generally located from SR 408 in the south to Lakeview Street in the north; and

WHEREAS, the Airspace Agreement also authorizes the use of designated portions of the Bridge District for parking, sidewalks, landscaping, streetscape, transit stops and public plaza; and

WHEREAS, the Airspace Agreement further sets forth a framework for the City to propose additional uses of the Bridge District and for the Department to consider and to approve the proposed additional uses; and

WHEREAS, the City is developing a new concept of use for the Bridge District area, referred to as the “Under I” project, “Under I,” which will expand the use of the Bridge District through the development of athletic facilities, family time areas, event space, and local market space, as generally described in **Exhibit “A,”** attached hereto and made a part hereof by reference; and

WHEREAS, the Department supports the Under I and has agreed to provide funding in order to advance the City’s construction of same.

NOW THEREFORE, the parties agree as follows:

1. The recitals set forth above are true and correct and are hereby incorporated herein.
2. In accordance with the terms and conditions set forth in the Bridge District Airspace Agreement dated September 27, 2010 the City will send the prescribed notice, “Notice,” to the Department for review and approval. The Notice will include a description of the new and expanded uses of the Bridge District. If necessary, the Department will request additional information as a part of the review process.
3. In addition to an expansion of authorized uses within the Bridge District, the City will also propose, as part of the Notice, and Department will support, an expansion of the areas within the Bridge

District that are designated for the City's use to include Pine Street and an area just north of West Washington Street, at the north end of the Bridge District. Adding the use of Pine Street to the Bridge District, will require the termination of an existing Air Space Agreement for Pine Street which the parties hereby agree to terminate upon the Department's approval of the City's Notice.

4. Upon completion of the Department's review of the Notice, the Department will submit such information relating to the expanded use of the Bridge District to the Federal Highway Administration as the Department deems necessary for its concurrence.

5. The parties acknowledge and agree that the Department's plan to provide funding to support the development of the Under I will require the Department and the City to enter into a funding agreement pursuant to Sec. 339.12, Florida Statutes wherein the Department plans to fund a portion of the cost to construct the Under I in an amount estimated at \$3,500,000.00. Said agreement will be a standard and typical Joint Participation Agreement with the Department and will require concurrence by FHWA. This MOA does not constitute a commitment of funding by the Department.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on dates set forth below.

CITY OF ORLANDO

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____
Name: _____
Title: _____

By: _____
Name: Frank J. O'Dea, P.E.
Title: Director of Transportation Development

Attest:

Attest:

Interim City Clerk

Executive Secretary

Legal Review

Legal Review:

Chief Assistant City Attorney