

RESOLUTION R 90-120

29

A RESOLUTION AUTHORIZING THE MANATEE COUNTY
PUBLIC WORKS DEPARTMENT TO DISPOSE OF EXCESS
FILL MATERIAL HAVING NO COMMERCIAL VALUE.

WHEREAS, County has available from time to time, excess fill material resulting from Public Works Projects, including but not limited to site clearing and ditch excavation or maintenance; and

WHEREAS, in certain circumstances, such fill material has no commercial value; and

WHEREAS, it is the policy and intent of the Board of County Commissioners of Manatee County to provide the most economical and efficient method of disposal of excess fill material having no commercial value.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that:

1. Fill material without commercial value shall mean, for the purposes of this Resolution, material cleared or excavated from a Public Works construction site which is mixed with an excess quantity of clay, rock, sticks, loam or other debris.

2. The Director of the Manatee County Public Works Department, or his designee, shall examine the quality of fill material and determine whether the material has commercial value or is otherwise needed for use by Manatee County.

3. If the Director of the Manatee County Public Works Department, or his designee, determine that the fill material has no commercial value and is not otherwise required for use by County, upon request and application of a private property owner, the material may be disposed of on private property at the nearest point to the Public Works Project, provided that the nearest point does not require a cost in excess of the cost to transport and deliver the fill to a County facility available for the disposal of such material and provided the property owner has submitted an application and executed a letter of understanding in accordance with the forms attached hereto as Exhibit "A".

4. The Director of Public Works may promulgate rules and procedures not in conflict with this Resolution, required to implement this Resolution and may refuse to deliver the material where the applicant has failed to obtain any permit required for the disposal of such materials on the applicant's property.

ADOPTED with a quorum present and voting this, the 16th day of October, 1990.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: *Terrence M. Glass*

ATTEST: R. B. SHORE

Diana Whaley
Clerk of Circuit Court

**APPLICATION FOR RIGHT-OF-WAY
SALVAGE EXCAVATION MATERIAL
RESOLUTION R-90-120**

DATE: _____

This is a request to receive and accept salvage excavation material from Manatee County by _____ (Property Owner).

The County may deliver or make available materials at the closest location practical on owner's private property.

Materials described as _____ from job site located at _____ owner's property located at _____.

Letter of Understanding attached _____ Yes
_____ No

Submitted by: _____ Date: _____
Property Owner/Owners

Street Address

Telephone Number

Request Received by: _____ Date: _____
Public Works Superintendent

Approved by: _____ Date: _____
County Engineer

Attachment: Letter of Understanding

cc: Central Files by Location Identified Above
Superintendent Identified Above

LETTER OF UNDERSTANDING

**Property Owner Affidavit for Responsibility of
Waiver of Receipt of Salvage Excavation per
Resolution R-90-120**

As listed in the attached application for salvage excavation materials, it is understood that the owner hereby grants permission for the dumping of such materials on the property described in the application and agrees to indemnify, defend, save and hold harmless the County from all claims, demands, liabilities and suits for injury or damage to persons, property and the environment resulting from the dumping of such materials.

It is further understood that these materials are not of construction quality and there are no stipulations or guarantees in regard to quality or quantity, and the owner accepts these materials in an "as is" condition.

The owner assumes all regulatory permit responsibility as necessary for structure and/or dredge/fill activities as defined by appropriate agencies and environmental regulations.

The parties hereto have executed this Agreement for Receipt of Salvage Excavation Materials, this _____ day of _____, 19 ____.

Signed, sealed and delivered
in the presence of:

OWNER:

Witness

Witness

DEPARTMENT OF PUBLIC WORKS,
COUNTY OF MANATEE, FLORIDA

By: _____
Director

Date: _____