

**From:** [Olsen, Eva \(External\)](#)  
**To:** [Mackesey, Brendan](#); [Celeste, Merry E](#); [McKibben, Nancy](#)  
**Cc:** [Smith, Jacob](#); [janae.hudgins@stvinc.com](#)  
**Subject:** RE: FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25  
**Date:** Thursday, June 14, 2018 12:41:49 PM  
**Attachments:** [Image001.png](#)  
[Image002.png](#)  
[Clearwater McMullen Booth Rd Const Agreement revised 20180614.pdf](#)

Good afternoon Brendan,

Janae is out this week, so please find attached the revised construction agreement with the altered language for Section 11.1. If you need anything additional, please let me know.

Thanks so much,

*Have a safe day!*

**Eva Olsen**

Engineering Assistant - Public Projects  
500 Water Street - J301  
Jacksonville, FL 32202  
Email: [Eva\\_Olsen@csx.com](mailto:Eva_Olsen@csx.com)  
Office: (904) 359-3226  
Fax: (904) 366-4042

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**From:** Mackesey, Brendan <[bmackesey@co.pinellas.fl.us](mailto:bmackesey@co.pinellas.fl.us)>  
**Sent:** Thursday, June 14, 2018 11:33 AM  
**To:** Smith, Jacob <[Jacob\\_Smith@csx.com](mailto:Jacob_Smith@csx.com)>; Celeste, Merry E <[mceleste@co.pinellas.fl.us](mailto:mceleste@co.pinellas.fl.us)>; janae.hudgins@stvinc.com  
**Cc:** Olsen, Eva (External) <[Eva\\_Olsen@CSX.com](mailto:Eva_Olsen@CSX.com)>; McKibben, Nancy <[nmckibben@co.pinellas.fl.us](mailto:nmckibben@co.pinellas.fl.us)>  
**Subject:** RE: FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25

Thank you Jacob, Janae, per Jacob's direction, I am forwarding you a County request to alter language in Section 11.1 of the attached agreement. See e-mail highlighted in yellow below. I've attached some old correspondence between you and Nancy McKibben for reference.

Thanks

**Brendan P. Mackesey**  
Assistant County Attorney  
PH:(727) 464-3354 / FAX (727)464-4147  
[bmackesey@pinellascounty.org](mailto:bmackesey@pinellascounty.org)

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**From:** Smith, Jacob [[mailto:Jacob\\_Smith@csx.com](mailto:Jacob_Smith@csx.com)]  
**Sent:** Thursday, June 14, 2018 11:03 AM  
**To:** Mackesey, Brendan <[bmackesey@co.pinellas.fl.us](mailto:bmackesey@co.pinellas.fl.us)>; Celeste, Merry E <[mceleste@co.pinellas.fl.us](mailto:mceleste@co.pinellas.fl.us)>  
**Cc:** Olsen, Eva (External) <[Eva\\_Olsen@CSX.com](mailto:Eva_Olsen@CSX.com)>; McKibben, Nancy <[nmckibben@co.pinellas.fl.us](mailto:nmckibben@co.pinellas.fl.us)>  
**Subject:** RE: FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25

See attached. If you want to modify the agreement, you can have Nancy send it back to Janae or you can send it. That is the normal process.

Thanks

Jacob Smith  
904.359.1650

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**From:** Mackesey, Brendan <[bmackesey@co.pinellas.fl.us](mailto:bmackesey@co.pinellas.fl.us)>  
**Sent:** Thursday, June 14, 2018 10:54 AM  
**To:** Smith, Jacob <[Jacob\\_Smith@csx.com](mailto:Jacob_Smith@csx.com)>; Celeste, Merry E <[mceleste@co.pinellas.fl.us](mailto:mceleste@co.pinellas.fl.us)>  
**Subject:** RE: FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25

Thank you Jacob. Forgive me as I don't completely understand. So requests to alter language should always initially be sent to the County's CSX point of contact for that specific project, in this case this is "STV"? Who is STV?

Thanks again

**Brendan P. Mackesey**  
Assistant County Attorney  
PH:(727) 464-3354 / FAX (727)464-4147  
[bmackesey@pinellascounty.org](mailto:bmackesey@pinellascounty.org)

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**From:** Smith, Jacob [[mailto:Jacob\\_Smith@csx.com](mailto:Jacob_Smith@csx.com)]  
**Sent:** Thursday, June 14, 2018 10:01 AM  
**To:** Mackesey, Brendan <[bmackesey@co.pinellas.fl.us](mailto:bmackesey@co.pinellas.fl.us)>; Stephens, Marshelly <[Marshelly\\_Stephens@csx.com](mailto:Marshelly_Stephens@csx.com)>  
**Cc:** Celeste, Merry E <[mceleste@co.pinellas.fl.us](mailto:mceleste@co.pinellas.fl.us)>; Olsen, Eva (External) <[Eva\\_Olsen@CSX.com](mailto:Eva_Olsen@CSX.com)>; Craig, Sean <[Sean\\_Craig@CSX.com](mailto:Sean_Craig@CSX.com)>  
**Subject:** RE: FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25

Brendan,

Your team should be working with me on these requests. Our GEC sent the agreement to your team, your request should then come back through them and I will get them approved. We are kind of getting backwards. I believe STV is your POC for this project.

Thank you

Jacob Smith  
Project Manager  
CSX Public Projects (FL, MS, LA)  
500 Water St., J-301  
Jacksonville, FL 32202  
**Office: 904.359.1650**

[CSX Public Projects Manual](#)

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**From:** Mackesey, Brendan <[bmackesey@co.pinellas.fl.us](mailto:bmackesey@co.pinellas.fl.us)>  
**Sent:** Thursday, June 14, 2018 9:56 AM  
**To:** Stephens, Marshelly <[Marshelly\\_Stephens@csx.com](mailto:Marshelly_Stephens@csx.com)>  
**Cc:** Celeste, Merry E <[mceleste@co.pinellas.fl.us](mailto:mceleste@co.pinellas.fl.us)>; Smith, Jacob <[Jacob\\_Smith@csx.com](mailto:Jacob_Smith@csx.com)>; Olsen, Eva (External) <[Eva\\_Olsen@CSX.com](mailto:Eva_Olsen@CSX.com)>; Craig, Sean <[Sean\\_Craig@CSX.com](mailto:Sean_Craig@CSX.com)>  
**Subject:** RE: FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25

**Thank you very much Marshelly. Assuming CSX is unwilling to remove Section 11.1 of the agreement altogether, and assuming CSX is unwilling to use the indemnity language specified on page 4-5 of the attached County Resolution, will CSX change the language in Section 11.1 (or permit the County to do same) to mirror the language you provide below? If you can't make this decision, can you please forward to someone at CSX who can?**

Thanks so much again for your assistance. Have a great evening.

**Brendan P. Mackesey**  
Assistant County Attorney  
PH:(727) 464-3354 / FAX (727)464-4147  
bmackesey@pinellascounty.org

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**From:** Stephens, Marshelly [mailto:Marshelly\_Stephens@csx.com]  
**Sent:** Wednesday, June 13, 2018 3:10 PM  
**To:** Mackesey, Brendan <bmackesey@co.pinellas.fl.us>  
**Cc:** Celeste, Merry E <mceleste@co.pinellas.fl.us>; Smith, Jacob <jacob\_smith@csx.com>; Olsen, Eva (External) <Eva\_Olsen@CSX.com>; Craig, Sean <Sean\_Craig@CSX.com>  
**Subject:** RE: FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25

Brendan,

Thanks for reaching out. I generally do not handle the engineering agreements, but was able to find out that the provision below has been approved by CSXT and Pinellas County in a previously executed construction agreement. Hope this helps.

#### 11. Indemnification

11.1 **Generally.** To the extent allowable under Florida Statutes 768.28, Florida Law, Agency's Contractors shall indemnify, defend, and hold CSXT harmless from and against all claims, demands, payments, suits, actions, judgments, settlements, and damages (including direct, indirect, consequential, and incidental) for any injury to or death to any person(s) (including but not limited to the employees of CSXT, its affiliates, Agency or Contractors), for the loss of or damage to property owned by or in the care, custody, or control of CSXT, its affiliates, Agency or its Contractors, and environmental damage and any related remediation recovered against CSXT and its affiliates), arising directly or indirectly from the negligence of the Contractors, Agency, and their respective agents, employees, invitees, contractors, or its contractors' agents, employees, or invitees in the performance of the work in connection with the Project or activities incidental, thereto or from their presence on CSXT property. The foregoing indemnification shall not be limited to the insurance coverage required by this Agreement, except to the extent required by Florida Law, specifically Florida Statutes 768.28, sovereign immunity, or otherwise expressly provided by the Agreement.

Marshelly Scott Stephens | Direct Dial: (904) 359-1347

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**From:** Mackesey, Brendan [mailto:bmackesey@co.pinellas.fl.us]  
**Sent:** Tuesday, June 12, 2018 4:10 PM  
**To:** Stephens, Marshelly <Marshelly\_Stephens@csx.com>  
**Cc:** Celeste, Merry E <mceleste@co.pinellas.fl.us>  
**Subject:** FW: FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25

Hey Marshelly,

Sorry to bother you again. This is a separate Pinellas County/CSX agrmnt. As you are now aware, the County has a process in place for indemnity provisions whereby it reaches out to the other side. Are you the proper attorney contact for this agrmnt?

Thanks again for your help

**Brendan P. Mackesey**  
Assistant County Attorney  
PH:(727) 464-3354 / FAX (727)464-4147  
bmackesey@pinellascounty.org

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**From:** McKibben, Nancy  
**Sent:** Monday, June 11, 2018 8:12 AM  
**To:** Celeste, Merry E <mceleste@co.pinellas.fl.us>  
**Cc:** Cutrone, Gregory <gcutrone@co.pinellas.fl.us>; Jacobs, Kenneth A <kjacobs@co.pinellas.fl.us>; McKibben, Nancy <nmckibben@co.pinellas.fl.us>  
**Subject:** FW: FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25

Merry,  
Attached please find the construction agreement for the McMullen Booth Rd. RR reconstruction project. Let me know if you require any additional information.

Thank you,

Nancy McKibben, MPA, CPM, Program Coordinator  
Transportation Engineering Section  
Transportation Division of Pinellas County Public Works  
14 S. Fl Harrison Ave., Clearwater, FL 33756  
Phone (727) 464-4812  
nmckibben@pinellascounty.org

You can have the nine greatest ballplayers in the world, but if they don't play together, the club won't be worth a dime.

Babe Ruth,  
Baseball player

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**From:** Hudgins, Janae [mailto:Janae.Hudgins@stvinc.com]  
**Sent:** Monday, June 04, 2018 2:34 PM  
**To:** McKibben, Nancy <nmckibben@co.pinellas.fl.us>  
**Cc:** 4019247-0008 Clearwater, FL McMullen Booth TUB Project <4019247-0008\_Clearwater\_FL\_McMullen\_Booth\_TUB\_Project@stvinc.com>; Frederick, Randy <Randy.Frederick@stvinc.com>; Schonk, James A. <James.Schonk@stvinc.com>; Smith, Jacob <jacob\_smith@csx.com>; Olsen, Eva (External) <Eva\_Olsen@CSX.com>  
**Subject:** FL2151; Clearwater, Pinellas County, FL; Surface at McMullen Booth Road; 6268315; Clearwater Subdivision; SY-868.25

Nancy,

Attached for the County's review and approval is the subject project Construction Agreement including the FAE for flagging, CE&I, and installation of the new TUB surface. Upon the County's approval, please print two single-sided copies of the attached agreement and have them signed by the appropriate representative. Please do not date the documents. CSXT will insert the date upon final execution. Please mail the originals to STV at the address below for further handling with CSXT. Once the Agreement has been fully executed by CSXT, one original copy will be returned to the County for their records. Upon receipt of the fully executed agreement, STV will provide further instructions regarding prepayment and scheduling of the pre-construction meeting.

Please do not hesitate to contact me if you have any questions.

Thank you

Janae Hudgins | Rail Division  
Concourse III, Suite 400 - 5200 Belfort Road, Jacksonville, FL 32256



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Redesigned and rebuilt: visit our new website at [http://secure-web.cisco.com/lyiPn9w-A1fObhoBe4Mj9QueqOPBA6C--zZmdMtUSR0IWYWYP4-EpSLdm2XfR2M8NsHfXP-  
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hJ8aW90GYscBe9kvMY0zQF1BlkpmukXzLT\\_1uMtcorD8CieZaNu\\_PwlrFXHdXDGzW\\_UiY0JcMgQ/http%3A%2F%2Fwww.stvinc.com](http://secure-web.cisco.com/lyiPn9w-A1fObhoBe4Mj9QueqOPBA6C--zZmdMtUSR0IWYWYP4-EpSLdm2XfR2M8NsHfXP-<br/>iopDp6KebO80nRoQ1V8rSBfkDRRlvt8TAPW5NU11bB9Cpw4fKoHQU3pmmeagF7uFwxEwgWNb3TKznRAAdMRTSUM4d_x8Hm-Ely6n2aDn2ZA-<br/>HalCzNiAm2s5BP8ysTYIVJ6vj2cQGpCC_rzZCX2QXkablIzvjIAp0hYauIIQAY7V_WUTzAjq4TADCq4Oepp0fEMXpyneScWWRf61spcYnwDyu1xI1qUwQloMWrmI33MTjDKGAcB_hh2hs7cu75VLJ1sx-<br/>hJ8aW90GYscBe9kvMY0zQF1BlkpmukXzLT_1uMtcorD8CieZaNu_PwlrFXHdXDGzW_UiY0JcMgQ/http%3A%2F%2Fwww.stvinc.com)

[Redacted]

[Redacted] [Redacted] [Redacted]

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