



## Legislation Details (With Text)

**File #:** 19-0785      **Version:** 1      **Name:** 5/20/19 - Agreement with CenturyLink Communications, LLC, for the Allen Creek Railroad Berm Opening Project

**Type:** Resolution      **Status:** Passed

**File created:** 5/20/2019      **In control:** City Council

**On agenda:** 5/20/2019      **Final action:** 5/20/2019

**Enactment date:** 5/20/2019      **Enactment #:** R-19-223

**Title:** Resolution to Approve an Agreement with CenturyLink Communications, LLC (CenturyLink) for up to \$35,000.00 for Relocation of Fiber Optic Lines for the Allen Creek Railroad Berm Opening Project

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. site\_plan\_010419.pdf, 2. Relocations Agreement - RELO CTL LH GL70241 MI - Unsigned.pdf

Date	Ver.	Action By	Action	Result
5/20/2019	1	City Council	Approved	Pass

Resolution to Approve an Agreement with CenturyLink Communications, LLC (CenturyLink) for up to \$35,000.00 for Relocation of Fiber Optic Lines for the Allen Creek Railroad Berm Opening Project Attached for your review and consideration for approval is a resolution authorizing an agreement with CenturyLink Communications, LLC (CenturyLink) for up to \$35,000.00 for the relocation of fiber optic lines for the Allen Creek Railroad Berm Opening Project. This agreement includes an advance payment of \$31,723.71, reflecting estimated relocation costs. This resolution also authorizes a recommended contingency of up to \$3,276.29. The City will only be responsible for actual costs and any funds remaining will be returned to the City.

The railroad berm near the mouth of Allen Creek in the vicinity of Depot Street and Main Street, just west of the Ann Arbor Amtrak Station, is oriented perpendicular to the overland drainage flow pattern and causes the floodplain depth in this area of the City to be as deep as 10 feet during heavy storm events. Upstream of the influence of this berm, flood depths are more typically in the 3 to 5 foot range.

In addition, there is a known trespassing hazard near the project. The lack of a convenient and reasonable pedestrian access linking the downtown area to the B2B Trail leads to the dangerous and illegal trespassing behavior. This hazard will be eliminated with a pedestrian crossing to be installed under the railroad tracks.

The project will install three large culverts beneath the railroad, one pedestrian and two stormwater culverts. The stormwater culverts will reduce the floodplain elevation and the pedestrian crossing will provide safe and legal access to the B2B trail from the population center.

Construction is expected to begin in the summer of 2019.

In order to construct the two stormwater culverts and the pedestrian tunnel, the fiber optic lines owned and operated by CenturyLink Communications, LLC must be relocated within the railroad right

-of-way at the City's expense.

Budget/Fiscal Impact: The Allen Creek Railroad Berm Opening project is included in the 2018-2023 Capital Improvement Plan. Funding for the relocation of the fiber is included in the existing capital project budget.

Prepared by: Nicholas Hutchinson, P.E., City Engineer

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The Allen Creek Railroad Berm Opening is included in the 2018-2023 Capital Improvements Plan (CIP);

Whereas, It is desired to create openings in the railroad berm to accommodate passage of floodwaters and to allow pedestrians to cross safely under the railroad to access the park facilities to the north;

Whereas, While the Michigan Department of Transportation owns the railroad tracks, CenturyLink Communications, LLC owns and operates fiber optic conduits in the railroad right of way that require relocation;

Whereas, Prior to performing the relocation, CenturyLink requires the City to enter into an agreement and to remit advance payment to CenturyLink Communications, LLC reflecting estimated costs for relocation of the fiber optic lines within the railroad right-of-way for the Allen Creek Railroad Berm Opening Project; and

Whereas, Funding for the CenturyLink advance payment and contingency is available in the existing Allen Creek Railroad Berm project budget;

RESOLVED, That City Council approve an agreement with CenturyLink Communications, LLC to relocate fiber optic lines within the railroad right-of-way as necessary for the Allen Creek Railroad Berm Opening Project, including an advance payment of \$31,723.71 to CenturyLink reflecting estimated costs for the relocation, and with the condition that the City will only pay the actual costs of relocation and remaining funds, if any, be returned to the City;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said agreement, after approval as to form by the City Attorney, and approval as to substance by the City Administrator; and

RESOLVED, That City Council authorize the City Administrator to take the appropriate administrative actions to implement this resolution, including approving up to \$3,276.29 in additional contingency payments for actual costs.