



## Legislation Details (With Text)

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**Title:** Resolution to Approve an Agreement between the City of Ann Arbor and Washtenaw County Regarding Responsibilities and Cost Allocation for Design and Engineering Services for the Bandemer-Barton Trail Connection Project

**Sponsors:** Christopher Taylor, Jeff Hayner, Kathy Griswold, Travis Radina

**Indexes:**

**Code sections:**

**Attachments:** 1. Executed\_LOI\_B2Btrail\_City-County-Connection.pdf, 2. B2B Design Engineering - Bergmann PriceProposal\_20210604.pdf, 3. B2B City County WCPARC Cost Share Agreement - Design Phase - city clean 9-17-21 (1).pdf

Date	Ver.	Action By	Action	Result
10/4/2021	1	City Council	Approved	Pass

Resolution to Approve an Agreement between the City of Ann Arbor and Washtenaw County Regarding Responsibilities and Cost Allocation for Design and Engineering Services for the Bandemer-Barton Trail Connection Project

Attached for your review and action is a resolution to approve an agreement between the City of Ann Arbor and the Washtenaw County by its Park and Recreation Commission to collaborate on the design phase of the Bandemer-Barton trail and tunnel connection project.

The proposed pedestrian tunnel would extend beneath the Michigan Department of Transportation (MDOT) railroad tracks between Barton Nature Area and Bandemer Park and would provide a highly desired non-motorized connection that has been identified as a capital need for decades.

This tunnel is a critical gap on the Border-to-Border Trail (B2B), as well as the statewide Iron Belle trail, and is one of the final hurdles to overcome connecting the City with the parks and along the Huron River. It will also improve non-motorized traffic around the North Main Street & M-14 corridor by providing a safe pedestrian and bicycle gateway to the City.

Currently, there is no safe connection for pedestrians and bicyclists between the B2B trail in Bandemer Park and Barton Nature Area, and many pedestrians and bicyclists choose to illegally cross the railroad tracks at this location showing that it is a highly desired route.

This connection has been desired for more than two decades, but due to insufficient funding and the difficulty of obtaining approvals from the railroad, progress on the tunnel has been delayed.

Since the 2005 study, the railroad has changed from private ownership to being publicly owned by MDOT. Additionally, funding opportunities have become available through our partners at the County and private partners

In 2018, a Letter of Intent was signed between the City, County, and Huron Waterloo Pathway Initiative to collaborate on an update to the Bandemer-Barton Pedestrian Tunnel 2005 Feasibility Study. The updated feasibility study was completed in 2020 (Bandemer-Barton Trail & Underpass Study dated November 13, 2020 prepared by Bergmann and OHM Advisors) and sets forth preferred design options for use in the Design Phase for the project.

Both parties are now ready to move ahead with design for the project and the Agreement outlines roles and responsibilities and the cost allocation for this phase. The County has solicited, received and evaluated proposals for the Design Phase, and having shared and discussed the proposals with the City, the parties agree County should award a contract to Bergmann to perform the services and work needed to complete the Design Phase. The agreement proposes that the County will enter into a contract with Bergmann and administer the completion of the Design Phase work in accordance with this Agreement and its exhibits and attachments. The agreement also identifies the funding responsibilities for each party for the design phase (City 45%, County 55%) with the total dollar estimate of City's share of the Design Phase at \$199,702.08 and County's estimated share at \$244,081.20.

The City and County are developing an MOU to address the parties' desire and intent to cooperate on this project and that upon completion of the engineering design documents by Bergmann, the City intends to solicit bids for construction and, subject to funding, review and decisions to proceed by each party based on the bids, award and administer the construction contract. Concurrent with the approval of a construction contract, the parties would also be asked to approve a similar cost allocation agreement for the construction contract, but the cost split would be a different ratio (29% city/71% county).

This resolution asks City Council to approve a Cost Sharing Agreement with the County for the design phase of the project. The Parks Advisory Commission unanimously recommended approval of the agreement at their September 21, 2021 meeting.

Budget/Fiscal Impact: Funds for the design services cost outlined in the agreement are available in the approved FY2022 Parks millage budget.

Prepared by: Colin Smith, Manager, Parks and Recreation

Reviewed by: Derek Delacourt, Community Services Area Administrator

Approved by: John Fournier, Assistant City Administrator

Whereas, In 2005, the City of Ann Arbor commissioned and received a feasibility study for the Bandemer-Barton Pedestrian Tunnel;

Whereas, This non-motorized connection has been desired for more than two decades, but due to insufficient funding and the difficulty of obtaining approvals from the railroad, progress on the tunnel has been delayed;

Whereas, Since the 2005 study, the railroad has changed from private ownership to being publicly owned by MDOT;

Whereas, The County, Huron Waterloo Pathway Initiative, and City previously signed a Letter of Intent dated May 2, 2018 to collaborate on an update to the Bandemer-Barton Pedestrian Tunnel 2005 Feasibility Study, which update was completed in 2020 (Bandemer-Barton Trail & Underpass Study dated November 13, 2020 prepared by Bergmann and OHM Advisors) and set forth preferred

design options for use in the Design Phase for the project;

Whereas, The LOI also contemplated County and City would enter into further agreements as necessary to advance the project;

Whereas, County and City expressed interest in working cooperatively to complete the Design Phase of the Bandemer-Barton Trail Connection Project and share the costs thereof;

Whereas, County has solicited, received and evaluated proposals for the Design Phase, and having shared and discussed the proposals with the City, the parties agree County should award a contract to Bergmann, hereinafter referred to as "Consultant," to perform the services and work needed to complete the Design Phase;

Whereas, County will enter into a contract with Consultant and administer the completion of the Design Phase work in accordance with this Agreement and its exhibits and attachments;

Whereas, County will pay Contractor and will invoice City for its share of the project costs as detailed in the attached Agreement;

Whereas, The estimated total cost of the Design Phase work proposed by Consultant is \$443,784.00;

Whereas, County and City will each be responsible for funding and paying for a portion of the Design Phase work as set forth in Exhibit B to the agreement (County 55% / City 45%);

Whereas, The City of Ann Arbor portion of funding needed for this design phase is estimated to be \$199,702.08 and funds are available in the approved FY2020 Parks Maintenance and Capital Improvements Millage budget;

Whereas, County and City have reached an understanding regarding the performance of and payment for the Design Phase and desire to enter into this Agreement to memorialize that understanding; and

Whereas, The Parks Advisory Commission unanimously recommended approval of this agreement at their September 21, 2021 meeting;

RESOLVED, That City Council approve the attached Agreement with Washtenaw County for responsibilities and cost allocations for the design and engineering services for the Bandemer-Barton Trail Connection Project;

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 the City Administrator be authorized to take the necessary administrative actions to implement this resolution and to approve amendments to the agreement within the project budget to reflect the actual final value of the project work.

Sponsored by: Mayor Taylor and Councilmembers Hayner, Griswold and Radina