



Legislation Text

File #: 11-0452, **Version:** 1

Resolution to Approve an Agreement with the Ann Arbor Acquisition Corporation, dba Ann Arbor Railroad for the E. Stadium Boulevard Bridges Replacement Project (\$259,929.00)

Attached for your review and approval, please find a resolution which approves an agreement with the Ann Arbor Acquisition Corporation (Ann Arbor Railroad) for the replacement of the E. Stadium Boulevard Bridge over the Ann Arbor Railroad tracks. The agreement details each party's rights and responsibilities during the performance of the work, as well as their long-term responsibilities regarding the bridge and the pedestrian crossing at S. State Street. We must execute the agreement with the Ann Arbor Railroad prior to beginning construction over and upon their right-of-way.

The work will be performed by a contractor selected by the Michigan Department of Transportation ("MDOT"). The contract for the work will be between MDOT and the contractor. The City will act as project engineer pursuant to a "City-State" agreement with MDOT. This is the manner in which we are obligated to perform this project in order to receive the TIGER II and other federal funding.

We received approval of our construction plans in March 2011 from the Ann Arbor Railroad. An element of this approval was the construction of a permanent crossing for pedestrians along the west side of S. State Street at the existing railroad crossing. Upon completion of the project, the existing sidewalk gap along the west side of S. State Street between E. Stadium Boulevard and Stimpson will be completed.

It is now necessary to enter into the agreement with the Ann Arbor Railroad. The agreement stipulates the terms and conditions for entry onto the Ann Arbor Railroad's right-of-way and the specifications to be followed during construction (as they relate to the protection of the railroad tracks and right-of-way), including inspection, flagging, insurance requirements, clearances to be maintained, and the like. The costs of these services will be billed directly to the contractor, and it in turn will be reimbursed through its construction contract with MDOT. The Ann Arbor Railroad has estimated the cost of the needed services to be \$259,929.00. Our share of the cost of these services will be billed to us through MDOT as part of the routine progress payments that we make to them pursuant to the project's construction. However, we do not yet know the percentage of federal participation in this particular item of work as the bids for the project have not been received. We will be able to estimate our share of these costs once we receive bids for the project and have your approval of the project budget.

The City Attorney has reviewed and approved the agreement with the Ann Arbor Railroad.

Prepared by: Homayoon Pirooz, P.E., Manager, Project Management

Reviewed by: Sue F. McCormick, Public Services Area Administrator

Whereas, The E. Stadium Boulevard Bridges Replacement Project requires replacement of the E. Stadium Boulevard Bridge over the Ann Arbor Railroad tracks as part of the project;

Whereas, In order to complete the planned work it is necessary to enter into an agreement with the Ann Arbor Railroad for the purposes of defining the parties' rights and responsibilities in connection

with the work to be performed and the costs therefor;

Whereas, The City will receive state and federal funds for this project, but the final percentage of participation for this agreement will not be known until bids for the construction are received and the project budget is formally established; and

Whereas, The City's costs associated with this agreement will be billed to it by the Michigan Department of Transportation and these costs will be included as City Share along with all other participating project costs;

RESOLVED, That City Council approves the agreement with the Ann Arbor Acquisition Corporation, dba Ann Arbor Railroad;

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.