



## Legislation Details (With Text)

**File #:** 19-1191      **Version:** 1      **Name:** 071519 - City/State Agreement for the Allen Creek Railroad Berm Opening Project

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

**File created:** 7/15/2019      **In control:** City Council

**On agenda:** 7/15/2019      **Final action:** 7/15/2019

**Enactment date:** 7/15/2019      **Enactment #:** R-19-334

**Title:** Resolution to Approve a Contract with the Michigan Department of Transportation for the Allen Creek Railroad Berm Opening Project (\$5,160,500.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. site\_plan\_010419.pdf, 2. Allen Creek City State Agreement.pdf

Date	Ver.	Action By	Action	Result
7/15/2019	1	City Council	Approved	Pass

Resolution to Approve a Contract with the Michigan Department of Transportation for the Allen Creek Railroad Berm Opening Project (\$5,160,500.00)

Attached for your review and consideration, please find a resolution to approve a contract between the City of Ann Arbor and the Michigan Department of Transportation (MDOT) for the construction phase of the Allen Creek Berm Opening Project. The agreement prescribes the cost sharing of the construction, as well as each party's rights and responsibilities, and is required for the project to receive its share of Federal funding from the Transportation Alternatives Program (TAP). The City of Ann Arbor was awarded \$971,250.00, which will fund a portion of the non-motorized elements of the Allen Creek Railroad Berm Opening Project.

This project will lower the floodplain depth at 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. In addition, the project will install a large culvert beneath the railroad that will provide safe and legal access from the downtown area to the Border to Border Trail.

In November of 2018, Michigan State Police-Emergency Management Division (MSP-EM) notified the City Staff that the City has received a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant for the construction of the stormwater portion of the Allen Creek Berm Opening Project.

The City has also been awarded a MDOT STP Urban Grant and a Michigan Department of Natural Resources Trust Fund Grant to fund a portion of the non-motorized elements of the Allen Creek Berm Opening Project.

The City has submitted final plans to MDOT for bidding, with the project expected to be let in July. MDOT will award a contract to the qualified low bidder and administer the contract. The City has hired Fishbeck, Thompson, Carr, and Huber as the project construction engineer for this project.

**Budget/Fiscal Impact:** This project is included in the 2018-2023 Capital Improvement Plan. Funding

for the project is available from various grants and is included in the Stormwater and Alternative Transportation approved Capital Budgets. The breakdown of estimated project costs and revenues for this project are as follows:

Estimated Project Cost

Construction Costs	\$5,308,521.00
City State Agreement (\$5,160,500)	
Contingencies (\$148,021)	
Design Costs & Easements	\$811,300.00
Construction Engineering	\$700,000.00
Fiber Optic Force Account Costs	\$200,000.00
Estimated Amtrak Engineering & Force Account	<u>\$342,000.00</u>
TOTAL	\$7,361,821.00

Estimated Revenue

MDOT TAP	\$971,250.00
WATS STP Urban	\$315,000.00
FEMA Funding (Design & Construction)	\$3,712,332.00
DNR Trust Fund Grant	<u>\$300,000.00</u>
Outside Funding sub-total	\$5,298,582.00
City Share Storm	\$1,410,239.00
City Share Alt. Transportation	<u>\$653,000.00</u>
City Funding sub-total	\$2,063,239.00
TOTAL	\$7,361,821.00

Prepared by: Nicholas Hutchinson, P.E., City Engineer  
Reviewed by: Craig Hupy, Public Services Area Administrator  
Approved by: Howard Lazarus, City Administrator

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

Whereas, the Transportation Alternatives Program (TAP) grant is a federally funded program administered in Michigan by the Michigan Department of Transportation (MDOT);

Whereas, The City of Ann Arbor has been awarded a TAP program grant, and the local share of the project is included in the Alternative Transportation Fund Capital budget which are available for expenditure;

Whereas, It is necessary to approve the cost sharing agreement with the Michigan Department of Transportation so that the project can proceed.

RESOLVED, That the City of Ann Arbor is committed to construction of the Facility and has approved

the necessary funding in its capital budgets for local (non-federal) match funds and related non-participating costs to be expended during the life of the project without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute Michigan Department of Transportation Contract No.19-5345 for the Allen Creek Railroad Berm Opening Project, substantially in the form on file with the City Clerk, following approval as to substance by the City Administrator, and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution, including approval of needed Traffic Control Orders, night work authorizations, and other similar administrative approvals to allow the work of the project to proceed without delay.