Legislation Details (With Text)

File #:	23-1988	**Version:** 1	**Name:**	12/18/23 Agreement for Barton B2B Trail Project	
Type:	Resolution		**Status:**	Passed	
File created:	12/18/2023		**In control:**	City Council	
On agenda:	12/18/2023		**Final action:**	12/18/2023	
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Title: Resolution to Approve An Agreement between the City of Ann Arbor and Washtenaw County, by the Washtenaw County Parks and Recreation Commission Regarding Responsibilities and Cost Allocation for the Construction of the Barton Nature Area Border to Border Trail Project

Sponsors:

Indexes:

Code sections:

Attachments: 1. B2B Bandemer Barton City County WCPARC Cost Share Agreement - Trail Construction Phase update clean 11-13-23.pdf

Date	Ver.	Action By	Action	Result
12/18/2023	1	City Council	Approved	Pass

Resolution to Approve An Agreement between the City of Ann Arbor and Washtenaw County, by the Washtenaw County Parks and Recreation Commission Regarding Responsibilities and Cost Allocation for the Construction of the Barton Nature Area Border to Border Trail Project
Attached for your review and action is a resolution outlining an agreement between the City of Ann Arbor and the Washtenaw County Park and Recreation Commission to share funding of the construction of the Barton Nature Area Border to Border Trail Project. This project is the first phase of a larger project to build a pedestrian tunnel that will 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.

Project Background: 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 set forth preferred design options for use in the Design Phase for the project.

In 2021, the City and County entered into a cost-sharing agreement for the Design Phase of the project where it was agreed to that the County would enter a contract with Bergmann and administer the completion of the Design Phase work in accordance with the responsibilities outlined in the Agreement.

In 2023, the City and County signed an MOU to address the parties' desire and intent to cooperate on this project, and outlined that as the property-owner, it is intended that the City 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.

Project Description: The project is being split into two phases with the trail phase being constructed

first because of an upcoming construction project at the Barton Dam embankment that will limit construction access in the next couple of years. The scope of construction work to be performed under this agreement includes an accessible .6-mile-long concrete paved Border-to-Border Trail (B2B) through Barton Nature Area to the Barton Dam parking lot and the addition of two accessible parking spaces. The pedestrian tunnel to be built in the second construction phase will connect this new B2B trail with the existing one in Bandemer Park and is not included in this agreement. It is anticipated that construction of the pedestrian tunnel will occur either in the summer of 2024 or 2025.

This resolution asks City Council to enter into a Cost Sharing Agreement with the County for Construction Phase 1 of this project: the Barton Nature Area Border to Border Trail. A separate agreement will be made for Construction Phase 2 for the pedestrian tunnel.

The Parks Advisory Commission unanimously recommended approval of the agreement at their November 21, 2023.

The Washtenaw County Parks and Recreation Commission recommended approval of this agreement at their December 12, 2023 meeting.

Budget/Fiscal Impact: This project is jointly funded by the City, the Washtenaw County Parks and Recreation Commission ("County"), and the non-profit Huron Waterloo Pathways Initiative ("HWPI"). Each organization is responsible for 1/3rd of the cost of the project and HWPI's portion will be provided through a separate cost sharing agreement with the County.

For the City's portion of the costs, estimated at $429,213.16 ($472,134.27 including contingency), funding is available from the Park Maintenance and Capital Improvement Millage Fund fund balance. The County will provide the remaining $858,168.84 ($943,985.73 including contingency) on a reimbursement basis with the City.
Prepared by: Hillary Hanzel, Landscape Architect IV
Reviewed by: Josh Landefeld, Parks & Recreation Services Manager
Reviewed by: Derek Delacourt, Community Services Area Administrator
Approved by: Milton Dohoney Jr, City Administrator
Whereas, the County, Huron Waterloo Pathway Initiative, and City previously signed a Letter of Intent dated May 2, 2018 to collaborate on a feasibility study that 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 and city entered into a cost-sharing agreement for the Design Phase;

Whereas, County entered into a contract with the consultant to administer the Design Phase work in accordance with the Agreement and its exhibits and attachments;

Whereas, County and City were each responsible for funding and paying for a portion of the Design Phase as established in Exhibit B of the agreement (County 55% / City 45%);

Whereas, County and City signed a Memorandum of Understanding to address the parties' desire and intent to cooperate on the Construction Phase of the project, and outlined that as the property-owner, it was intended that the City 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;

Whereas, The project is being split into two phases with the trail phase being constructed first because of an upcoming construction project at the Barton Dam embankment that will limit construction access in the next couple of years;

Whereas, The scope of Construction Phase 1 includes an accessible .6-mile-long concrete paved Border-to-Border Trail (B2B) through Barton Nature Area to the Barton Dam parking lot and the addition of two accessible parking spaces;

Whereas, The scope of Construction Phase 2 includes a pedestrian tunnel to be built to connect this new B2B trail with the existing one in Bandemer Park;

Whereas, This agreement includes Construction Phase 1 for the Barton Nature Area Border to Border Trail project and does not include Phase 2 construction of the pedestrian tunnel;

Whereas, It is anticipated that City and County will enter into a separate agreement for Construction Phase 2 and that work is anticipated to occur either in the summer of 2024 or 2025;

Whereas, City solicited construction proposals through Request for Proposals #23-54 through the City's Procurement Unit and three proposals were received and evaluated by City and County staff;

Whereas, The parties agree City should award a contract to Erie Construction LLC hereinafter referred to as "Consultant," to perform the services and work needed to complete the Construction Phase 1;

Whereas, City is prepared to enter into a construction contract with Consultant and administer the completion of the Construction Phase 1 work in accordance with this Agreement and its exhibits and attachments;

Whereas, This project is jointly funded by the City, the Washtenaw County Parks and Recreation Commission and the non-profit Huron Waterloo Pathways Initiative;

Whereas, Each organization is responsible for 1/3rd of the cost of the project and HWPI's portion will be provided through a separate cost sharing agreement with the County;

Whereas, The City's costs are estimated at $429,213.16 ($471,992.80 including contingency) and funding is available from the Park Maintenance and Capital Improvement Millage Fund fund balance;

Whereas, County and City will each be responsible for funding and paying for a portion of the Construction Phase 1 as established in Exhibit B (County 66.66% / City 33.34%);

Whereas, The City will pay Consultant and will invoice County for its share of the construction costs as detailed in the attached Cost Sharing Agreement;

Whereas, The Park Advisory Commission unanimously recommended approval of this agreement at their November 21, 2023 meeting;

Whereas, The Washtenaw County Parks and Recreation Commission recommended approval of this agreement at their December 12, 2023 meeting; and

RESOLVED, That City Council approve the attached Agreement between the City of Ann Arbor and Washtenaw County, by the Washtenaw County Parks and Recreation Commission, Regarding Responsibilities and Cost Allocation for the Construction of the Barton Nature Area Border to Border Trail Project;

RESOLVED, That the Mayor and City Clerk are authorized and directed to execute the agreement after 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 and to approve amendments to the agreement within the project budget.