

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 10, 2024

Item Details

Presenter(s): Matthew Reker, Utility Engineering Intern

Department(s): Water Resources

Requested Motion

Motion to approve a Facility Encroachment Agreement No. CSX884583 between the Town of Apex and CSX Transportation, Inc. related to town water line construction and maintenance at North Chatham Street in Apex, North Carolina, and authorize the Town Manager, or their designee, to execute on behalf of the Town.

Approval Recommended?

Yes

Item Details

The Chatham Street Water Line Replacement project requires a 12-inch water line to be constructed under the CSX Transportation rail line for the conveyance of potable water. Since this is a Town project, the construction of the water line, its ongoing operation, and maintenance will fall under a single agreement between the Town and CSX Transportation (Attachment 01).

Council approval to authorize a CSX Agreement for this project was previously approved at the June 10th, 2019, Town Council meeting. Due to project scope, plan and personnel changes, the Agreement never was finalized and final signatures from both parties never occurred. Since then, the language of the Agreement has changed enough that Legal is requesting Council to approve this new Agreement for the project.

The Town paid the required \$7,600.00 shown on both the 2019 and 2024 invoices. The remaining \$1,250.00 for Railroad Protective Liability (RPL) will not need to be paid as the Town has utilized the North Carolina League of Municipalities for RPL (Attachment 04). Town Attorney has reviewed the Agreement and is prepared to address legal concerns with Council upon request.

Attachment

- CN1-A1: 2024 Facility Encroachment Agreement No. CSX884583 between the Town of Apex and CSX Transportation, Inc.

- CN1-A2: 2024 Invoice - Facility Encroachment Agreement No. CSX884583 between the Town of Apex and CSX Transportation, Inc.
- CN1-A3: Exhibit A - Facility Encroachment Agreement No. CSX884583 between the Town of Apex and CSX Transportation, Inc.
- CN1-A4: 2024 Railroad Protective Liability Certificate of Insurance - Facility Encroachment Agreement No. CSX884583 between the Town of Apex and CSX Transportation, Inc.
- CN1-A5: 2019 Agreement- Facility Encroachment Agreement No. CSX884583 between the Town of Apex and CSX Transportation, Inc.
- CN1-A6: 2019 Invoice - Facility Encroachment Agreement No. CSX884583 between the Town of Apex and CSX Transportation, Inc.

