

# Agenda Item | **cover sheet**

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA  
Meeting Date: December 09, 2025

## Item Details

Presenter(s): Russell H. Dalton, P.E., Traffic Engineering Manager

Department(s): Transportation and Infrastructure Development

### Requested Motion

Motion to approve an Agreement with NCDOT to be eligible for up to \$429,200 in federal funds reimbursement toward a total estimated cost of \$536,500 in right of way acquisition for project BL-0173, Tunstall Avenue and Center Street Sidewalk, requiring a minimum 20% local cost match of \$107,300, and to authorize the Town Manager, or their designee, to execute on behalf of the Town, and adopt Capital Project Ordinance Amendment 2026-3.

### Approval Recommended?

Yes

### Item Details

This Agreement is required to receive federal funds reimbursement at an 80% federal/20% local cost match for up to \$536,500 in total expenses toward right of way acquisition for construction of new sidewalk along Tunstall Avenue and Center Street. As typical for this type of agreement, if the total cost exceeds the estimated cost then additional local funds would be needed to cover that shortfall at 100%, unless supplemental federal funds can be allocated to the project subject to approval by the Executive Board of the Capital Area Metropolitan Planning Organization and NCDOT, in which case a minimum 50% local cost match would be required for supplemental funds.

Although an estimate of NCDOT staff review and inspections time has been factored into the overall cost estimate, and NCDOT will set aside \$53,650 (10% of estimated total budget) toward that expense, if NCDOT internal charges exceed available funds then Apex is responsible for reimbursement of 100% of those charges in excess of available funds. Additionally, per the Agreement: *The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.*

## Attachments

- CN2-A1: Agreement - North Carolina Department of Transportation (NCDOT) - Required Federal Funds Reimbursement for Right-of-Way (ROW)
- CN2-A2: Capital Project Ordinance Amendment 2026-3 - Agreement - North Carolina Department of Transportation (NCDOT) - Required Federal Funds Reimbursement for Right-of-Way (ROW)

