

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: June 09, 2026

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 between the North Carolina Department of Transportation (NCDOT) and the Town of Apex for the Town to reimburse a portion of the preliminary engineering and right-of-way acquisition costs for Project HL-0173, and to authorize the Town Manager, or their designee, to execute the agreement on behalf of the Town.

Approval Recommended?

Yes

Item Details

This Agreement is required for NCDOT to proceed with preliminary engineering and right-of-way acquisition for a project to add a westbound left turn lane, signalize the intersection, realign the curve, complete a sidewalk gap, and add pedestrian accommodations at the intersection of Olive Chapel Road and Apex Barbecue Road.

Under the Agreement, Apex is responsible for reimbursing 35% of up to \$1,279,600 in total estimated preliminary engineering and right-of-way acquisition project costs to be incurred by NCDOT, an amount of up to \$447,860, and if the actual total costs exceed the total available funding then Apex would be required to reimburse 100% of those additional costs. If additional federal funds are awarded or made available the Agreement may be modified through a written Supplemental Agreement. The Agreement does not limit the total required reimbursement in the event actual costs exceed estimated costs nor does it require preauthorization by the Town for NCDOT to exceed the total estimated cost of \$1,279,600. This Agreement does not include relocation of utilities or construction of the project. The total estimated cost for all phases of the project provided by NCDOT in October 2024 was approximately \$3,710,900.

Additionally, the Agreement provides the following indemnification language: *"To the extent allowed by North Carolina law, the Municipality shall indemnify and hold harmless the FHWA (if applicable), the*

Department and the State of NC from liability for damages arising solely from the negligence or wrongdoing of the Municipality.”

The attached preliminary layout plan view provided by NCDOT was used in a project funding application to CAMPO in October 2024 and is subject to change through the final design process which will include public engagement opportunities.

Attachments

- CN1-A1: Agreement - NCDOT - Operational Improvements at Intersection of Olive Chapel Road and Apex Barbecue Road (Project HL-0173)
- CN1-A2: Preliminary Layout Project Plan View - NCDOT - Operational Improvements at Intersection of Olive Chapel Road and Apex Barbecue Road (Project HL-0173)

