

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: June 13, 2023

## Item Details

Presenter(s): Katie Schwing, Senior Planner - Long Range Transit

Department(s): Planning

### Requested Motion

Motion to approve a right-of-way (ROW) encroachment agreement with North Carolina Department of Transportation (NCDOT) to allow the Town to paint art on the public right-of-way at select GoApex bus stops (Attachment No.2) as part of the GoApex Bus Stop Sidewalk Art Project; and to authorize the Town Manager to execute the agreement on behalf of the Town.

### Approval Recommended?

Yes

### Item Details

This summer, the Town plans to work with artists to paint art on the sidewalk at select GoApex bus stops, some of which are located on NCDOT roadways.

Town staff are working to follow the process outlined in the NCDOT Public Art of the Right-of-Way Policy. Following this guidance, the Town will need to enter into a non-construction encroachment agreement with NCDOT in order to paint the art on the right-of-way. The encroachment agreement includes several conditions, such as requiring the Town to indemnify NCDOT from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment (see Attachment 1).

For information: the preliminary art design sketches are currently being reviewed through a separate but concurrent process by NCDOT's public art liaison and public art review committee.

### Attachments

- CN9-A1: Right-of-Way Encroachment Agreement for Non-Utility Encroachments on Primary and Secondary Highways - GoApex Bus Stop Sidewalk Art Project
- CN9-A2: GoApex Bus Stop Sidewalk Art Project Locations - GoApex Bus Stop Sidewalk Art Project
- CN9-A3: Approved Resolution (RES-2023-008) Supporting the Installation of Public Art at Select GoApex Bus Stops

