

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 22, 2023

Item Details

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

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to adopt Capital Project Ordinance Amendment No. 2024-4 for up to \$1,075,200 in federal funds reimbursement toward a total estimate cost of \$1,344.00 for utility relocation and construction of South Saunders Street and Hinton Street Sidewalk, requiring a minimum 20% local cost match of \$268,800.

Approval Recommended?

Yes

Item Details

The Agreement between North Carolina Department of Transportation (NCDOT) and Town of Apex was approved at the Regular Town Council Meeting on August 8, 2023. However, the Capital Project Ordinance Amendment No. 2024-4 was not made part of the motion that goes with the Agreement. Therefore, this action is to clarify and correct the intended action of consent item no. 11 from the August 8th meeting. Additional background is included below:

This agreement is required to receive federal funds reimbursement at an 80% federal/20% local cost match for up to \$1,344,000 in total expenses toward utility relocation and construction of approximately 2,065 linear feet of 5-foot concrete sidewalk along Saunders Street and Hinton Street as well as a short segment of sidewalk along W Chatham Street. Construction of sidewalk will include installation of approximately 1,285 feet of curb and gutter along the sidewalk. 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 \$134,400 (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

- CN8-A1: Capital Project Ordinance Amendment No. 2024-4 - Saunders Street and Hinton Street Sidewalk Project
- CN8-A2: Agreement w-North Carolina Department of Transportation - Saunders Street and Hinton Street Sidewalk Project - (approved August 8, 2023)
- CN8-A3: Project Map Saunders Street and Hinton Street Sidewalk Project

