



City of Grand Island

Tuesday, March 27, 2007

Council Session

Item G8

**#2007-72-Approving Supplemental Agreement #2 with the
Nebraska Department of Roads for the Grand Island River Way
Trail**

Staff Contact: Steve Paustian

Council Agenda Memo

From: Steve Paustian, Park and Recreation Director

Meeting: March 27, 2007

Subject: Approving Supplemental Agreement #2 with the NE Dept. of Roads for the Grand Island River Way Trail

Item #'s: G-8

Presenter(s): Steve Paustian

Background

On August 23, 2005 Council authorized the acceptance of a contract to provide funding toward the development of the River Way Hike/Bike Trail. The trail will extend the existing trail from Hall County Park to South Locust and then North to Hwy 34.

Discussion

As the trail is designed to be constructed on top of the south levy of the Wood River Flood Way it is necessary to get Army Corp of Engineer approval. Staff has been in discussions with the Corp for over a year and a half regarding this approval. To date the Corp has not finished its review. Because of this delay, the original contract with the State of Nebraska Department of Roads has expired along with Supplemental Agreement #1. The state is willing to grant a second extension to the contract to allow more time to construct the project.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council authorize they Mayor to sign the extension.

Sample Motion

Motion to approve extension #2 of the existing contract with the Nebraska Department of Roads to construct the River Way hike/bike trail.

SUPPLEMENTAL AGREEMENT NUMBER 2

PROJECT NO. STPB-40(53) STATE CONTROL NO. 42428
CITY OF GRAND ISLAND
STATE OF NEBRASKA, DEPARTMENT OF ROADS
GRAND ISLAND RIVER WAY TRAIL

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of Grand Island, hereinafter referred to as the "City", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, the parties hereto entered into an agreement executed by the City August 23, 2005, and by the State August 29, 2005, and Supplemental Agreement No. 1 executed by the City January 9, 2007 and by the State January 16, 2007, providing for the construction of Project No. STPB-40(53), and

WHEREAS, it now becomes necessary that said agreement be supplemented to extend the deadline for securing a contract to construct the project.

NOW THEREFORE, in consideration of this fact, the parties hereto agree as follows:

SECTION 1. Both parties agree that all costs of this project shall be the sole responsibility of the City if the proposed project improvements are not under construction contract prior to October 1, 2007. This includes repayment to the State of Federal funds reimbursed for preliminary engineering costs and payment of all other expenses incurred as specified in Section 23 of the original program agreement.

SECTION 2. Except as specifically amended by this Supplemental Agreement, all terms and conditions of the agreement executed by the City August 23, 2005, and by the State August 29, 2005, and Supplemental Agreement No. 1 executed by the City January 9, 2007 and by the State January 16, 2007, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the CITY this _____ day of _____, 20____.

ATTEST:

City of Grand Island

City Clerk

Mayor

EXECUTED by the State this _____ day of _____, 20____.

STATE OF NEBRASKA
DEPARTMENT OF ROADS

R. James Pearson

Transportation Enhancement Administrator

RESOLUTION 2007-72

WHEREAS, on August 23, 2005, an agreement with the Nebraska Department of Roads was approved for the development of a ten foot wide hike/bike trail to start at Hall County Park and follow the south Wood River drainage dike one and one-half miles to South Locust Street in Grand Island, Nebraska; and

WHEREAS, because the hike/bike trail is designed to be constructed on top of the south levy of the Wood River Flood Way, it is necessary to obtain the approval of the Army Corp of Engineers; and

WHEREAS, on January 9, 2007, by Resolution No. 2007-11, an extension of the agreement with the Nebraska Department of Roads was approved by Supplemental Agreement #1; and

WHEREAS, the Army Corp of Engineers has not completed it's review of the hike/bike trail, and it is therefore necessary to obtain an extension of Supplemental Agreement #1 with the Nebraska Department of Roads for the development of the hike/bike trail; and

WHEREAS, the Nebraska Department of Roads has agreed to Supplemental Agreement #2 of the agreement so that the hike/bike trail can be completed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that Supplemental Agreement #2 with the Nebraska Department of Roads for the Grand Island River Way Trail is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 27, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐	_____
March 22, 2007	☐	City Attorney