



City of Grand Island

Tuesday, January 22, 2008

Council Session

Item G12

**#2008-24 - Approving Amendment Number 4 to the Agreement
with Olsson Associates for the Project to Widen Capital Avenue**

Staff Contact: Steven P. Riehle, City Engineer/Public Works Direc

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: January 22, 2008

Subject: Approving Amendment Number 4 to the Agreement with Olsson Associates for the Project to Widen Capital Avenue

Item #'s: G-12

Presenter(s): Steven P. Riehle, Public Works Director

Background

Any amendments to the agreement must be approved by council. On November 9, 2004 an agreement with Olsson Associates was approved by the council. The agreement provided for Engineering Consulting Services to widen Capital Avenue from the Moores Creek Drainway to the east.

The project is approximately 80% funded with federal Surface Transportation Funds administered by the Nebraska Department of Roads (NDOR).

Discussion

Agreements with leaseholder tenants are a new requirement on federal aid projects. The additional work is beyond the scope of the original agreement. The files on the unsigned tenants will be reopened, contacts made and an attempt made to reach an agreement. If a satisfactory agreement is not reached with all tenants, the related files will be turned over to the City for consideration for proceeding with condemnation. On November 9, 2004 the City of Grand Island entered into an agreement with Olsson Associates for Engineering Consulting Services to widen Capital Avenue from Moores Creek ditch to just east of Webb Road.

The majority of this project will be funded with Federal funds administered by the Nebraska Department of Roads (NDOR). Olsson & Associates contracted with Midwest Right-of-Way services for the negotiation and acquisition of right-of-way and easements from the property owners. Most of the acquisitions were commercial properties with numerous tenants or leaseholders on the premises. Initially NDOR did not require

Leasehold Agreements to be negotiated with the tenants. Due to federal requirements it is now necessary to contact and negotiate Leasehold Agreements with the affected tenants. This will involve considerable time and is the basis for this amendment to the original agreement.

Additional work beyond the scope of the original agreement is needed to complete Right-of-Way acquisitions. This additional work is not to exceed \$4,400.00.

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 approve the amendment to the agreement with Olsson Associates, in an amount not to exceed \$4,400.00.

Sample Motion

Move to approve the amendment to the agreement with Olsson Associates, in an amount not to exceed \$4,400.00.

4th AMENDMENT TO LETTER AGREEMENT FOR ENGINEERING SERVICES

THIS AMENDMENT TO LETTER AGREEMENT, made as of the 22nd day of January 2008, by and between the City of Grand Island, Nebraska ("Client") and Olsson Associates ("Olsson"), WITNESSETH, That whereas the Client intends to acquire leaseholder agreements from tenants located along the project, for which services are considered additional services under the agreement between the City of Grand Island and Olsson Associates dated November 3, 2004, a fee for these services for the Project are hereby added to the agreement in accordance with paragraph 2, Letter of Agreement. Said Additional Services shall be provided as set forth hereafter.

Scope of Services

A. Additional Right of Way Negotiations:

Per Exhibit A, Section E, Olsson will obtain the services of Midwest Right of Way Services to negotiate leaseholder agreements with tenants on Tracts 6, 7, 14, 23, and 24. NDOR has given a directive to reach reasonable settlements with these tenants or file condemnation. This is required in order to complete the federal requirements for Right of Way process on this project. This includes the following:

- Reopen files on all unsigned tenants on above tracts.
- Contact all remaining tenants to see if they will sign the leasehold agreement or submit reasonable counter offers to be presented to City for consideration.
- Provide any signed Leasehold Agreements to the City for payment and delivery to NDOR.
- Turn in for condemnation all tenant files with whom an agreement was not reached.
- Work with NDOR to provide any additional information on any other tracts in order to meet the requirements for the R.O.W. Certificate process.

Midwest Right of Way Services Fee: \$4,000

Right of Way Negotiation Coordination: \$ 400

Fees for testimony in condemnation proceedings, if needed, would be considered additional services, including travel and preparation time, and will be billed at our current hourly rates.

4th Amendment Total **\$4,400**

Fees are based on our current hourly rates rendered by our principals, and employees engaged directly on the Project, plus the subconsultant fee.

Billings will be submitted and payable monthly in accordance with the original agreement.

Termination Provisions

- A. The termination provisions of Paragraph 5.3 of the General Provisions of the original agreement apply to this contact amendment.

OLSSON ASSOCIATES

By _____
Matthew M. Rief, PE

By _____
Kevin P. Prior, PE

Accepted this _____ day of
_____, 2008

CITY OF GRAND ISLAND "Client"

ATTEST:

By _____
Margaret Hornady

Title _____
Mayor

Dated: _____

If different from above,

Attest:

RaNae Edwards, City Clerk

Approved as to Form:

Wes Nespor, Assistant City Attorney

R E S O L U T I O N 2008-24

WHEREAS, on November 9, 2004, by Resolution No. 2004-285, the City Council of the City of Grand Island approved an agreement with Olsson Associates of Grand Island, Nebraska, to perform preliminary design services to widen Capital Avenue from the Moores Creek Drainway to Webb Road ; and

WHEREAS, on April 26, 2005, by Resolution No. 2005-131, the City Council of the City of Grand Island approved Amendment #1 to the agreement with Olsson Associates to extend the final design to Webb Road; and

WHEREAS, on April 24, 2007, by Resolution No. 2007-97, the City Council of the City of Grand Island approved Amendment #2 to the agreement with Olsson Associates for additional services related to right-of-way acquisition; and

WHEREAS, on May 22, 2007, by Resolution No. 2007-123, the City Council of the City of Grand Island approved Amendment #3 to the agreement with Olsson Associates for additional appraisal services; and

WHEREAS, additional work beyond the scope of the original agreement related to appraisal services is needed to complete right-of-way acquisition; and

WHEREAS, costs of the additional shall not exceed \$4,400.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the amendment to the agreement with Olsson Associates of Grand Island, Nebraska, is hereby approved.

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

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Adopted by the City Council of the City of Grand Island, Nebraska, January 22, 2008.

Margaret Hornady, Mayor

Attest:

Approved as to Form <input type="checkbox"/> _____	
January 17, 2008	<input type="checkbox"/> City Attorney

RaNae Edwards, City Clerk