



# City of Grand Island

Tuesday, February 24, 2009

Council Session

## Item G5

**#2009-41 - Approving Agreement with Nebraska Department of Roads for Repairs to the Westbound lane of 3rd Street from Lincoln Avenue to Tilden Street**

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

# Council Agenda Memo

**From:** Steven P. Riehle, Public Works Director

**Meeting:** February 24, 2009

**Subject:** Approving Agreement with Nebraska Department of Roads for Repairs to the Westbound lane of 3<sup>rd</sup> Street from Tilden Street to Lincoln Avenue

**Item #'s:** G-5

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

## Background

All agreements must be approved by the City Council. The City of Grand Island is preparing plans for a hot mix asphalt resurfacing project to repair 3<sup>rd</sup> Street.

## Discussion

Third Street was used as the designated detour route for westbound traffic during the US Highway 30 (2<sup>nd</sup> Street) widening project. The increased traffic on 3<sup>rd</sup> Street accelerated the need for asphalt resurfacing on 3<sup>rd</sup> Street from Tilden Street to Lincoln Avenue. The Nebraska Department of Roads (NDOR) will share in 80% of the repair costs to the westbound lane, for an estimated amount of \$78,064.00.

## 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**

Public Works Administration recommends that the Council approve a resolution authorizing the Mayor to sign the agreement.

## **Sample Motion**

Move to approve a resolution authorizing the Mayor to sign the agreement.

## AGREEMENT

PROJECT NO. NH-30-4(103)  
CONTROL NO. 40352  
CITY OF GRAND ISLAND  
STATE OF NEBRASKA, DEPARTMENT OF ROADS  
MAINTENANCE AGREEMENT  
GRANT STREET – GREENWICH STREET

THIS 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 City allowed the State to use the westbound lane of 3<sup>rd</sup> street as a detour for the above referenced project. See Exhibit "A" for the location of detour, and

WHEREAS, repairs are necessary on the detour route and will become a project cost, and

WHEREAS, the City has plans to repair the detour on the westbound lane of Third Street, and

WHEREAS, the City agrees to the terms of this agreement as evidenced by the Resolution of the City Council dated the \_\_\_\_ day of \_\_\_\_\_ 2009, attached hereto, identified as Exhibit "B" and hereby made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. The City agrees to the following:

- A. To prepare plans, specifications and estimates and acquire any or all permits, including environmental, for the project. The City will determine if its forces or a contractor will complete the work.
- B. The scope of the repair work shall be approved by the State.
- C. To cause the work associated with the detour repair to happen.
- D. To invoice the State for 80% of the cost associated with the repair of the westbound lane for the length shown in exhibit "A". All other work shall be completed at no cost to the State.
- E. To invoice the State on a monthly basis once the repair work has started.
- F. To complete the repair in 2009.
- G. To be responsible for all traffic control devices and comply with all traffic control safety regulations, including those prescribed in the latest approved edition of the

Manual on Uniform Traffic Control Devices and the current edition of the Nebraska Supplement of the Manual on Uniform Traffic control devices; and,

SECTION 2. The State agrees to the following:

- A. Pay for 80% of the costs for the detour repair work for the westbound lane of 3<sup>rd</sup> street as shown on exhibit "A".
- B. The States cost is currently estimated to cost \$78,064.00.
- C. To pay the monthly invoice in a timely manner.

SECTION 3. The City shall indemnify, save and hold harmless the State and all of its departments, agents and employees of and from any and all claims, demands, actions or causes of action of whatsoever nature or character arising out of or by reason of the design, planning, or performance of the work provided by the City or its agents and anyone contracting under or for the City. The City shall indemnify, save and hold harmless the State and all of its departments, agents and employees of and from an and all claims, demands, actions, or causes of action of whatsoever nature or character arising out of the operation of these intersections as designed by the City or its assigns.

IN WITNESS WHEREOF, the City and State 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 \_\_\_\_\_, 2009.

ATTEST: CITY OF GRAND ISLAND

City Clerk \_\_\_\_\_ Mayor \_\_\_\_\_

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
James J. Knott, P.E.

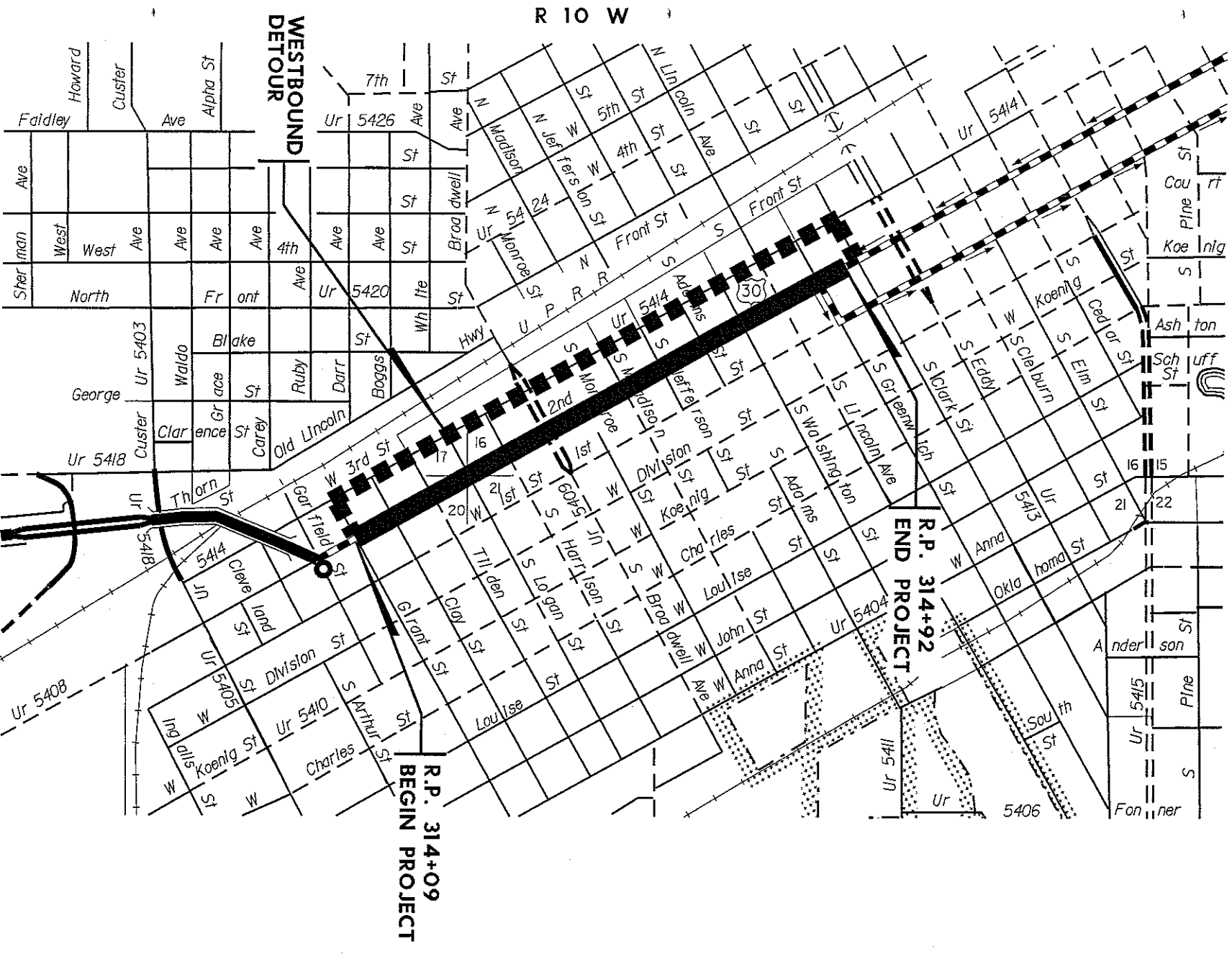
\_\_\_\_\_  
Roadway Design Engineer

RECOMMENDED:  
Wesley Wahlgren, P.E.

\_\_\_\_\_  
District 4 Engineer

CQ/AGRC3-NW

**GRAND ISLAND**  
HALL COUNTY  
NEBRASKA



**30-4(103)**  
C.N. 40352

**EXHIBIT "A"**

RESOLUTION 2009-41

WHEREAS, the Nebraska Department of Roads needs to repair and resurface the westbound lane of 3<sup>rd</sup> Street between Grant Street and Greenwich Street due to this area being used as the detour route for the 2<sup>nd</sup> Street (US Highway 30) widening project; and

WHEREAS, such resurfacing shall consist of an asphalt overlay; and

WHEREAS, 80% of the total project construction costs are anticipated to be \$78,064.00; and

WHEREAS, the State agrees to participate in eighty percent of the actual construction cost; and

WHEREAS, an agreement with the Nebraska Department of Roads is required to proceed with this project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the agreement with the Nebraska Department of Roads for the repair and resurfacing improvement of the westbound lane of 3<sup>rd</sup> Street between Grant Street to Greenwich Street 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, February 24, 2009.

\_\_\_\_\_  
Margaret Hornady, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form    ☐ \_\_\_\_\_  
February 19, 2009       ☐ City Attorney