



Interoffice Memorandum

April 23, 2019

TO: Mayor Jerry L. Demings and Board of County Commissioners

FROM: Mark V. Massaro, P.E., Public Works Director *DMS*

CONTACT PERSON: ⁷⁻⁶ Deodat Budhu, P.E., Manager
Roads and Drainage Division

PHONE NUMBER: (407) 836-7958

SUBJ: **Project Addendum to Master Construction Agreement with CSX Transportation, Inc. for the Design of Grade Crossing Surface at CSX Railroad Crossing No: 621488H on Exchange Drive**

On March 26, 2019, the Board approved addendum to the Master Agreement for the subject Railroad Crossing #621488H. However, due to material changes to this Addendum by CSX Transportation, Inc. (CSXT) (changing milepost from A-797.17 to AOC-800.0); we are now resubmitting this Addendum for Board approval.

On October 5, 2010, the County entered into a Master Construction Agreement with CSXT establishing the terms and conditions for all future County initiated railroad projects. Therefore, as per the terms of this agreement, the County would be responsible for the repair or replacement of the grade crossing surface at the CSXT railroad tracks on Exchange Drive. This crossing surface is in poor condition and needs to be brought to current standards of grade crossing surface.

In addition, as per the agreement, the County is submitting the Project Addendum to Master Agreement to CSXT for a preliminary engineering design of a new grade crossing surface. The cost of the preliminary engineering design is \$15,000, and funds are available in Account #1002-072-5086-3197.

The County Attorney's Office has reviewed the Addendum and found it acceptable.

Action Requested: **Approval and execution of Project Addendum to Master Agreement by and between CSX Transportation, Inc. and Orange County for the design of the grade crossing surface at CSX Railroad Crossing No: 621488H on Exchange Drive, north of West Landstreet Road and authorization to disburse \$15,000 for the preliminary engineering design. District 6.**

MVM/DB/gs

Attachments

PROJECT ADDENDUM

Project: Exchange Drive at CSXT Milepost AOC-800.0, DOT # 621488H
CSXT OP# TBD

**PROJECT ADDENDUM
TO
MASTER AGREEMENT**

This Project Addendum (“**Addendum**”) is entered into as of _____, 20__ by and between CSX Transportation, Inc., a Virginia corporation with its principal place of business in Jacksonville, Florida (“**CSXT**”) and Orange County, a charter county and political subdivision of the State of Florida (“**County**”).

EXPLANATORY STATEMENT

- A. CSXT and County entered into a Master Agreement dated October 5, 2010 for use when a County initiated highway or utility project passes over, under, adjacent to, or at-grade with CSXT’s railroad facilities (collectively, the “**Projects**”, individually a “**Project**”).
- B. In addition to the covenants contained in the Master Agreement, it is the purpose of this Addendum to provide for the specific Project descriptions, obligations, and responsibilities of the parties.

NOW, THEREFORE, in consideration of the foregoing Explanatory Statement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree and covenant as follows:

- 1. The specific Project information is as follows:

- **Project Identification:**

Route: Exchange Drive	CSXT Milepost: AOC-800.0
City: Orlando	DOT/AAR No: 621488H
County: Orange	County Project No.:
- **Description of the Project:**
- **Category of CSXT Work and Estimated Reimbursable Costs:**
 - Preliminary Engineering: \$15,000
 - Construction Engineering/Work (Detailed Estimate Attached): \$

2. Allocation of Work:
- CSXT. Work to be done by CSXT (at sole cost and expense of County) and date(s) for completion: CSX or its consultant to furnish a Track surface plan, profile and CSX Force Account Estimate to be used by the County for authorization of the construction work (Estimated 120 days to complete from receipt of project authorization).
 - County. Work to be done by County, and date(s) for completion: Provide information as needed by CSX or its consultant to assist in the preparation of the plan, profile and CSX Force Account Estimate. Also provide final plan and estimate approval prior to issuance of Amendment to the construction agreement.
3. This Addendum shall be binding upon the parties hereto, their successors, or assigns and all portions of the Master Agreement not specifically changed by this Addendum remain in full force and effect.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed in duplicate, each by its duly authorized officers as of the date of this Addendum.
Witness as to CSXT: **CSX TRANSPORTATION, INC.**

Vicki R. Stewart
Witness

By: *Tony C. Bellamy*
Tony C. Bellamy
Director Project Management – Public Projects

Evamarie J. Olsen

Notary Public

EVAMARIE J. OLSEN
Commission # FF 244503
Expires June 26, 2019
Bonded Thru Troy Fain Insurance, 800-385-7019

(Corporate Seal)

I attest to the genuineness of the Corporate Seal, and I further attest that the above named officer is duly authorized to execute this document.

Attest:
By: *[Signature]*
As its:

STEVEN ARMBRUST
ASST. CORPORATE SECRETARY



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Burrin Brooks*
for Jerry L. Demings
Orange County Mayor

Date: *21 May 19*

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Katei Freed*
Deputy Clerk