



Interoffice Memorandum

March 24, 2022

TO: Mayor Jerry L. Demings
-AND -
County Commissioners

FROM: Joseph C. Kunkel, P.E., Public Works Director

CONTACT PERSON: Eduardo Avellaneda, P.E., Manager
Roads and Drainage Division

PHONE NUMBER: (407) 836-7871

Handwritten signatures and initials:
Joseph C. Kunkel
Eduardo Avellaneda
for

SUBJ: **Project Addendum to Master Construction Agreement with CSX Transportation, Inc. for the Design of Grade Crossing Surface at CSX Railroad Crossing No: 643865F on Presidents Drive**

On October 5, 2010, the County entered into a Master Construction Agreement with CSX Transportation, Inc. (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 Presidents 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: 643865F on Presidents Drive, south of Titan Row and authorization to disburse \$15,000 for the preliminary engineering design. District 6.**

JCK/EA/GS/rs

Attachments

BCC Mtg. Date: Apr. 5, 2022

EXHIBIT A

PROJECT ADDENDUM

Project: Orlando, Orange County, FL; Presidents Drive Crossing Surface Replacement with TUB-type surface; Milepost AOC-3.81, DOT 643865F
CSXT OP FL _____

**PROJECT ADDENDUM
TO
MASTER AGREEMENT**

This Project Addendum ("**Addendum**") is entered into as of April 25, 2022, 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: Presidents Drive	CSXT Milepost: AOC-3.81
City: Orlando	DOT/AAR No: 643865F
County: Orange	County Project No.:
- Description of the Project: PE for Presidents Dr. Crossing Surface Replacement with a TUB-type surface
- 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 or its consultant (at sole cost and expense of County) and date(s) for completion: CSXT or its consultant to furnish a Track Surface Plan, and a CSXT 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: 1) Provide information as needed by CSX or its consultant to assist in the preparation of the plan and CSXT Force Account Estimate. Also provide final plan and estimate approval prior to issuance of Construction Addendum.
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.

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:
Evanmarie J. Olsen
Witness

CSX TRANSPORTATION, INC.
By: *Scott Willis*
Scott Willis
Project Manager – Public Projects

Notary Public

(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: _____
As its: _____



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners
By: *Jerry L. Demings*
Jerry L. Demings
for Orange County Mayor

Date: April 5, 2022

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

By: *Kate Smith*
Deputy Clerk

ESTIMATE SUBJECT TO REVISION AFTER: 2/7/2023 **DOT NO.:** 643865F
CITY: Orlando **COUNTY:** Orange **STATE:** FL
DESCRIPTION: PE for Presidents Drive Crossing Surface Replacement with a TUB-type surface.
ZONE: Florida **SUB-DIV:** Sanford **MILE POST:** AOC-3.81
AGENCY PROJECT NUMBER: Orange County Project

PRELIMINARY ENGINEERING:

212	Contracted & Administrative Engineering Services	\$ 15,000
	Subtotal	\$ 15,000

CONSTRUCTION ENGINEERING/INSPECTION:

212	Contracted & Administrative Engineering Services	\$ -
	Subtotal	\$ -

FLAGGING SERVICE: (Contract Labor)

70	Labor (Conductor-Flagman)	0	Days @	\$ -	\$ -
50	Labor (Foreman/Inspector)	0	Days @	\$ -	\$ -
70	Additive	137.00%	(Transportation Department)		\$ -
50	Additive	160.00%	(Engineering Department)		\$ -
	Subtotal				\$ -

SIGNAL & COMMUNICATIONS WORK:

\$ -

TRACK WORK:

\$ -

PROJECT SUBTOTAL:

\$ 15,000

900	<u>CONTINGENCIES:</u>	0.00%	\$ -
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PROJECT TOTAL:

 \$ 15,000

CURRENT AUTHORIZED BUDGET:

 \$ -

TOTAL SUPPLEMENT REQUESTED:

 \$ 15,000

DIVISION OF COST:

Agency	100.00%	\$ 15,000
Railroad	0.00%	\$ -

This estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower and resource availability, and other factors known as of the date prepared. The actual cost for CSXT work may differ based upon the agency's requirements, their contractor's work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work

Office of Chief Engineer Public Projects--Jacksonville, Florida

Estimated prepared by: J. Brangenberg - STV

Approved by: **KSW** CSXT Public Project Group

DATE: 02/07/22 REVISED: 01/00/00 DATE: 03/01/22