

March 19, 2019

TO:

Mayor Jerry L. Demings and Board of County Commissioners

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

CONTACT PERSON:

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: 621489P on Exchange Drive

On October 5, 2010, Orange County entered into a Master Construction Agreement with CSX Transportation, Inc. (CSXT) establishing the terms and conditions for all future Orange County initiated railroad projects. Therefore, as per the terms of this agreement, Orange 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, Orange 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 Orange 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: 621489P on Exchange Drive, south of Presidents Drive and authorization to disburse \$15,000 for the preliminary engineering design. District 6.

MVM/DB/GS

Attachments



OFFICE OF COMPTROLLER

ORANGE COUNTY FLORIDA Phil Diamond, CPA

County Comptroller as Clerk of the Board of County Commissioners 201 South Rosalind Avenue Post Office Box 38

Orlando, FL 32802 Telephone: (407) 836-7300 Fax: (407) 836-5359

DATE:

March 29, 2019

TO:

Deodat Budhu, Manager

Roads and Drainage Division, BCC

FROM:

Katie Smith, Deputy Clerk 1 As for KS

Comptroller Clerk of BCC

SUBJECT:

Request for Execution of Document, Public Works Department Consent

Item 2, File # 19-472, March 26, 2019

Enclosed is the Project Addendum to Master Agreement - CSX Railroad Crossing No: 621489P (2 originals) which was approved by the Board of County Commissioners (BCC) at its regular meeting held on March 26, 2019.

Please forward the document to all required parties for signature.

Email copies of the fully-executed documents to ClerkofBCC@occompt.com and copy terese.parsons@ocfl.net. Note: ClerkofBCC@occompt.com is <u>used only</u> for County staff submission of pending documents.

Please include in cover memo or subject line identification of the document by name, agenda item number, and date of BCC approval. Emailed copies must be in full-size PDF format. The document will be processed and filed for the record upon receipt.

If you are unable to return a copy of the fully-executed document before April 26, 2019, notify Katie Smith by email of the reason for the delay prior to that date.

If you have any questions, please do not hesitate to call.

ks:cas

Enclosures (2)

dl: Mark Massaro, Director, Public Works Department, BCC [email]
Jim Harrison, Assistant County Administrator, BCC [email]
Whitney Verrett, Executive Assistant, Public Works Department, BCC [email]
Terese Parsons, Executive Assistant, County Administrator's Office, BCC [email]
Pending File

BCC Mtg. Date: March 26, 2019

EXHIBIT A

PROJECT ADDENDUM

<u>Project:</u> Exchange Avenue at CSXT Milepost A-797.17, DOT # 621489P 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: A-797.17
City: Orlando DOT/AAR No: 621489P
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. By: Tony C. Bellamy Witness Director Project Management - 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: ______ ORANGE COUNTY, FLORIDA By: Board of County Commissioners Jerry II. Demings Orange County Mayor Date: 26 May 19 ATTEST: Phil Diamond, CPA, County Comptroller As Clerk of the Board of County Commissioners Deputy Clerk





Exchange Drive - 621489P

Project Addendum for Preliminary Engineering Design

Author: George Shupp

Checked by:

Date Saved:3/1/2019

All data, information, and maps are provided "as is" without warranty or any representation of accuracy, timeliness of completeness