

A G R E E M E N T

PROJECT NO. NH-80-9(855)
CONTROL NO. 12482
CITY OF LINCOLN
STATE OF NEBRASKA, DEPARTMENT OF ROADS
14TH STREET BRIDGE, LINCOLN

THIS AGREEMENT made and entered into by and between the City of Lincoln, a municipal corporation of the State of Nebraska, hereinafter referred to as the "City," and the State of Nebraska, Department of Roads, hereinafter referred to as the "State."

WITNESSETH:

WHEREAS, the State has plans to replace the 14th Street Bridge over I-80, as shown on Exhibit "A", attached hereto and hereby made a part of this agreement, and

WHEREAS, it is the desire of the City to reconstruct 14th Street, from Superior Street to Alvo Road, excluding the bridge over I-80 as a City project separate from, but coordinated with, the State's bridge replacement project, at the location as shown on Exhibit "A", and

WHEREAS, Federal Regulations provide that the City shall not profit or otherwise gain from local property assessments that exceed the City's share of project costs, and

WHEREAS, it is the desire of the City that the State construct the 14th Street Bridge project under the designation of NH-80-9(855) and the Bridge Project be coordinate with the City's reconstruction of 14th Street between Superior Street and Alvo Road, as evidenced by the Resolution of the City Council dated the _____ day of _____, 2011, attached hereto, identified as Exhibit "B," and hereby made a part of this agreement, and

WHEREAS, the description of the project is as follows:

Construction of a bridge carrying 14th Street over I-80 with a bike trail on the west side and pedestrian walkway on the east side, approach slabs, mechanically stabilized earth (MSE) retaining walls, grading within the State ROW, guardrail removal to station 151+00, culverts under bridge, street light pole blister pads, if any, placed on the bridge, construction of right-of-way fence, traffic control for the closure of 14th Street due to the Bridge Project and traffic control on I-80, and

WHEREAS, the City as a part of the City's 14th Street reconstruction project is responsible for constructing concrete pavement beyond the bridge approach slabs, sidewalks, guardrail construction, any grading which is needed to construct the City's 14th Street reconstruction project not previously accomplished by the State's contractor or contemplated in the State's plans.

NOW THEREFORE, in consideration of these facts and the mutual promises of the parties hereto, it is hereby agreed that the construction of the aforesaid bridge carrying 14th Street over I-80 described in Exhibit "A" shall be accomplished according to and in the manner provided by plans and specifications to be prepared by the State, which are by this reference, made a part of this agreement.

And the parties agree further as follows:

SECTION 1. The State agrees to install under the 14th Street Bridge deck 4" conduit of the type specified by the City for use as electrical and traffic cable conduit. The City shall provide the specifications and estimated quantities for the conduit and hanger devices to the State prior to June 1, 2011. The City agrees to pay the bid cost of NDOR's contractor to provide and install the conduit and hanger devices.

SECTION 2. The State will, upon completion of the letting of the project, invoice the City for the entire bid item of "4" Conduit", currently estimated to be \$3,087.00. The parties fully recognize that this estimate can vary from the actual bid. The City will reimburse the State for the difference within 30 days receipt of the State's invoice. The City shall be responsible for all additional costs associated with the installation of the hanger devices and conduit in the event of changes requested by the City after the letting that result in additional contract costs to the project.

SECTION 3. The State will develop a traffic control plan for the detouring of 14th Street traffic during the construction of the bridge carrying 14th Street over I-80. The State shall be responsible for the traffic control until the City's project detours traffic from Superior Street to Alvo Road. At this time the City agrees to be responsible for installation, operation, maintenance and removal of the all traffic control for traffic using 14th Street and the State's contractor will remove the traffic control devices placed under the State's contract. All traffic control devices will conform to the latest approved edition of the Manual on Uniform Traffic Control Devices and the Nebraska Supplement thereto. The City and State agree that their contractors will coordinate the installation and removal of traffic control devices for traffic on 14th during the transition from State to City responsibility.

SECTION 4. It is hereby agreed that plans and specifications for the above mentioned Bridge project will be on file in the office of the Department of Roads, Lincoln, Nebraska.

SECTION 5. The City and State will fully cooperate to cause the removal from public right of way, or correction or alteration in the public right of way, as necessary for the construction of the aforesaid bridge carrying 14th Street over I-80, of all pipe lines, poles or other underground or overhead services not owned by the City and are located within the corporate limits.

SECTION 6. The State hereby agrees:

- (a) To prepare and convey to the City, prior to construction, plans for the proposed subject project.
- (b) To advertise and conduct a letting and receive bids for the 14th Street Bridge improvement. The City agrees that the State will award the contract to the lowest responsible bidder and that said contract shall be signed only by the State.
- (c) To supervise and cause completion of the construction of the improvement as shown in the plans.
- (d) To acquire all additional right-of-way and do all things, in pursuance of the aforesaid construction of the bridge carrying 14th Street over I-80, not specifically assumed by the City.
- (e) To construct the project without cost to the City, except as provided specifically herein.
- (f) To provide the traffic control plan for the I-80 traffic and to install, maintain and operate the work zone traffic control for I-80 traffic.

SECTION 7. The City agrees to inform the NDOR prior to their contractor accessing State ROW for the initial construction operations associated with the City's 14th Street reconstruction project. The City will contact the District Engineer, Tom Goodbarn, at 402-471-0850, at least two weeks prior to the access and again 48 hour prior to commencement of work on the State right-of-way.

SECTION 8. Parties hereto agree that the State shall make sole determination as to the scheduling of the construction for this bridge project.

IN WITNESS WHEREOF, the parties hereto 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 _____, 2011.

ATTEST:

CITY OF LINCOLN

Clerk

Mayor

EXECUTED by the State this ____ day of _____, 2011.

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

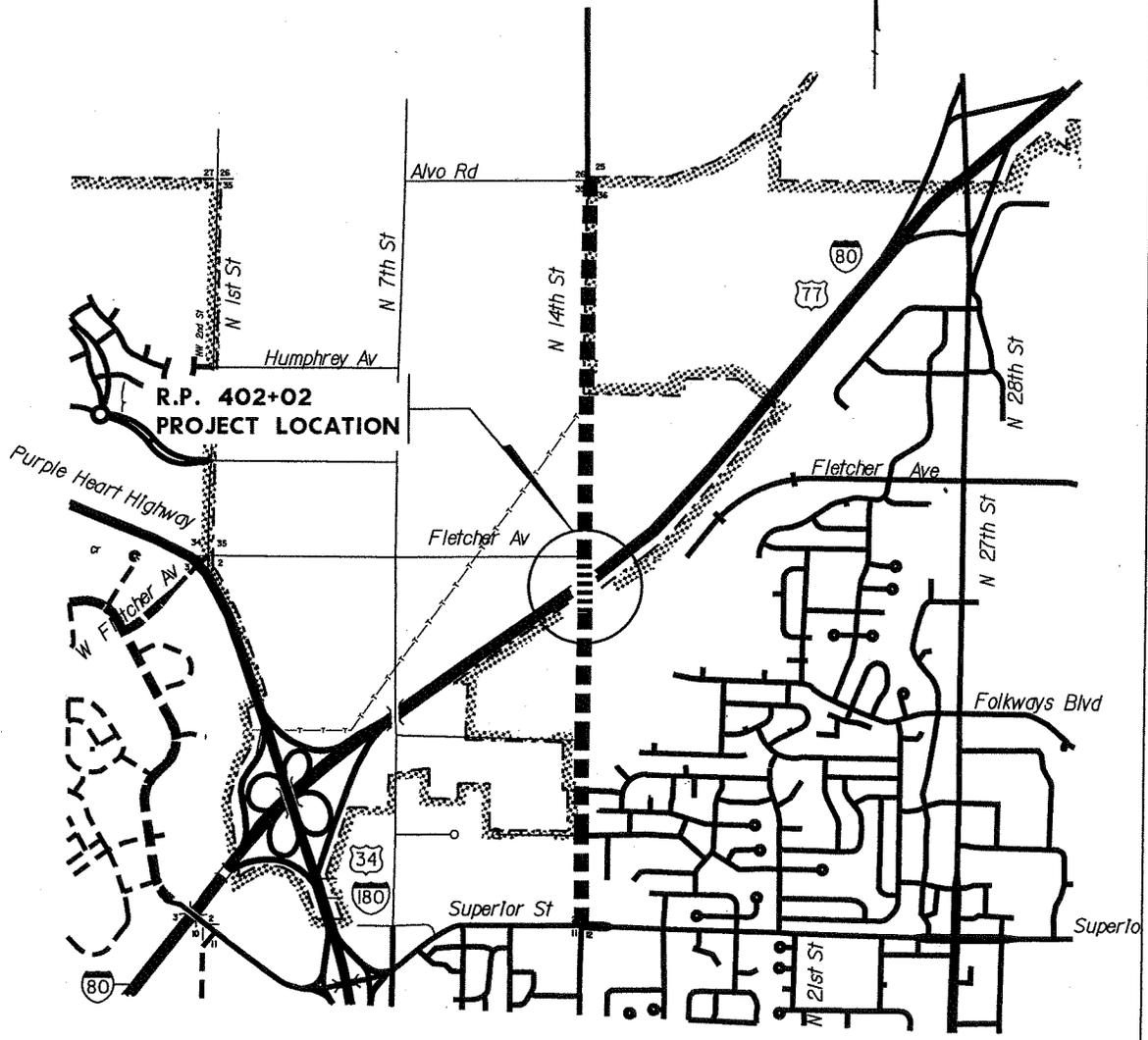
Roadway Design Engineer

RECOMMENDED:
Tom Goodbarn, P.E.

District 1 Engineer

AGRC10-DK

LINCOLN
LANCASTER COUNTY
NEBRASKA



NDOR 14th Street Bridge - - - - -

City of Lincoln 14th Street - - - - -

14th Street Bridge
80-9(855)
C.N. 12482

EXHIBIT "A"