

11/24/18

CITY SECRETARY 43351
CONTRACT NO.

MEMORANDUM OF UNDERSTANDING
East Rosedale from US 287 to Stalcup
City of Fort Worth, Tarrant County, Regional Transportation Council,
and Texas Department of Transportation

This memorandum of understanding (MOU) is intended to outline the agreement regarding the funding and implementation strategy for East Rosedale from U.S. 287 to Stalcup.

I. BACKGROUND

In 1999, the Regional Transportation Council (RTC) funded the East Rosedale project from U.S. 287 to Stalcup. The Texas Department of Transportation (TxDOT) provided additional Strategic Priority funds (of \$3 million) in 2001. Since that time, both the City of Fort Worth and Tarrant County have contributed additional funds for this project. The scope of work has been discussed and debated for many years culminating in a decision in January 2011 to reconstruct 4 lanes to 4 lanes with intersection and safety improvements, and to add urban design amenities, such as wide sidewalks, street furniture, landscaping, lighting, etc. The design process will require several intensive community meetings throughout the design process in order to identify the final product that meets the unique history and needs of the community. With such a long history, the funding agencies find it necessary to codify the scope, funding, and responsibilities of each entity in order to provide assurances to the local community that the project will be delivered in a timely manner.

Through this document, the impacted parties hereby state the terms of agreement and concur with the resulting commitments made as a part of this funding and implementation strategy.

II. CONSTRUCTION PHASING

The project is described as the reconstruction and rehabilitation of East Rosedale from U.S. 287 to Stalcup with intersection and safety improvements and urban design amenities. The City of Fort Worth will coordinate with local community groups to determine which urban design amenities are most appropriate for this corridor. Construction will be split into two phases with the first phase being implemented from U.S. 287 to West of Miller as four lanes undivided and with the second phase being implemented from West of Miller to Stalcup as four lanes divided with a raised median. It is noted that a separate, but related project was funded through the 2009-2010 Sustainable Development Program. This project, called the Polytechnic/TWU Streetscape Enhancements project, will add pedestrian amenities and improve traffic signalization on East Rosedale between Nashville and Collard Streets, and will be combined into Phase I of the East Rosedale corridor project.

III. COST

Phase I – from U.S. 287 to West of Miller

Engineering and Environmental:	\$1,379,360*
Right-of-Way:	\$250,000 (at intersections)
Franchise Utility Adjustments:	\$100,000
Construction:	\$8,362,500**
Amenities:	\$3,480,331**
Contingencies/Inflation Factor (21%):	\$1,364,390
Inspection and Testing:	<u>\$589,720</u>
	<u>\$15,526,301</u>

*Includes survey and geotechnical, and engineering expenses from the Polytechnic/TWU Streetscape Enhancements project; and assumes TxDOT releases existing engineering plans at no additional cost to the City of Fort Worth for completion.

**Includes cost of the Polytechnic/TWU Streetscape Enhancements project (capped at \$1,875,000 [\$1,500,000 Regional Toll Revenue funds and \$375,000 local funds] for pedestrian amenities and signalization). Also

assumes that \$1,500,000 in funding from the Polytechnic/TWU Streetscape Enhancements project is Regional Toll Revenue funds, resulting in the limits ending West of Miller instead of at Miller as originally discussed. The City of Fort Worth will bid the Polytechnic/TWU Streetscape Enhancements project elements as Unit 2 of the Phase I roadway project to verify that the original \$1,875,000 funding commitment is met.

Phase II – from West of Miller to Stalcup

Engineering and Environmental:	\$1,050,000 (includes survey and geotechnical)
Environmental Mitigation	\$105,000
Right-of-Way:	\$600,000
Franchise Utility Adjustments	\$0
Construction:	\$10,500,000***
Amenities:	\$1,334,820
Contingencies/Inflation Factor (18%):	\$1,890,000
TxDOT Engineering and Inspection (6%):	<u>\$630,000</u>
	\$16,109,820

***Includes increase in costs to adjust limits to West of Miller instead of at Miller.

IV. FUNDING

Phase I – from U.S. 287 to West of Miller

City of Fort Worth (2004 Bond Program):	\$3,417,301
City of Fort Worth (2000 Bond Program):	\$2,240,000
Tarrant County (2006 Bond Program):	\$7,994,000
Regional Toll Revenue funds	\$1,500,000
Tarrant County (2006 Bond Program):	<u>\$375,000</u>
	\$15,526,301

Tarrant County Bond funds are fixed; therefore, the City of Fort Worth will pay for any cost overruns or change order expenses on Phase I (the City may recoup any cost overruns for the Polytechnic/ Wesleyan Sustainable Development project from the private developer as appropriate). This memorandum of understanding does not encumber Tarrant County funds, bond or otherwise; as funds are encumbered via an interlocal agreement between Tarrant County and the City of Fort Worth. County Bond funds are limited to street construction, sidewalks, basic landscaping, and basic illumination; therefore, City funds will be used for enhancements (such as landscaping, lighting, etc.). Note that the federal swap for RTR funds was formally approved on October 13, 2011.

Phase II – from West of Miller to Stalcup

TxDOT PE Funds	\$1,050,000
STP-MM Federal RTC Funds:	\$9,077,121
TxDOT Strategic Priority:	\$2,400,000
City of Fort Worth (2004 Bond Program):	<u>\$3,582,699</u>
	\$16,109,820

If Phase I or Phase II incur cost underruns, the funding will be retained until both phases are fully completed. Savings as a result of cost underruns will be redistributed equally based off each entity's' initial contribution. Cost overruns on Phase II will be shared by the RTC and the City of Fort Worth, unless the overrun can be covered by Phase I underruns.

V. IMPLEMENTATION STRATEGY, RESPONSIBILITIES, AND TIMING

Federal and local sources of funding are available for this project, but it is recommended that the first phase be implemented with local funds to avoid further delays. The second phase will be delivered using the federal funds with a local match of 20 percent.

Phase I – from U.S. 287 to West of Miller

Phase	Start Date	Completion Date	Responsible Agency
Urban Design/Architectural Treatments	01/2012	04/2012	City of Fort Worth
Engineering and Environmental	01/2012	11/2012	City of Fort Worth
Right-of-Way	04/2012	12/2012	City of Fort Worth
Franchise Utility Adjustments	02/2012	02/2013	City of Fort Worth
Construction	03/2013	11/2014	City of Fort Worth

Phase II – from West of Miller to Stalcup

Phase	Start Date	Completion Date	Responsible Agency
Urban Design/Architectural Treatments	01/2012	06/2012	City of Fort Worth
Engineering and Environmental	06/2012	03/2014	TxDOT-Fort Worth
Right-of-Way	09/2012*	09/2013	City of Fort Worth
Franchise Utility Adjustments	09/2012*	09/2013	City of Fort Worth
Construction**	09/2014**	09/2015	TxDOT-Fort Worth

*If ROW/Utility Adjustments are required and federal reimbursement is sought, the anticipated start date will be delayed until after environmental clearance is completed.

** This is an RTC high-priority project. If cash flow is made available in 2013 or 2014, the construction phase will be advanced appropriately. Currently, funding for construction is not available until FY 2015.

VI. SIGNATURE OF AGREEMENT

This agreement is contingent upon approval of the terms outlined herein by the policy body of each impacted party.

Fernando Costa
 Fernando Costa, Assistant City Manager
 City of Fort Worth

6/26/12
 Date

B. Glen Whitley
 Judge B. Glen Whitley, County Judge
 Tarrant County

May 29, 2012
 Date

Roy C. Brooks
 Roy C. Brooks, County Commissioner
 Tarrant County, Precinct 1

May 29 2012
 Date

Maribel P. Chavez
 Maribel P. Chavez, P.E., Fort Worth District Engineer
 Texas Department of Transportation

June 1, 2012
 Date

Jungus Jordan
 Chair Jungus Jordan
 Regional Transportation Council

JUNE 14, 2012
 Date
 Attested by: *Mary J. Kayser*

