



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

**JOHN COOPER
MAYOR**

**NASHVILLE DEPARTMENT OF TRANSPORTATION
AND MULTIMODAL INFRASTRUCTURE**

July 10, 2023

Ms. Kelly Flannery
Director of Finance
Metro Nashville and Davidson County

RE: Ordinance approving a participation agreement between Metro Government and the Cheatham County Railroad Authority to assist in the rehabilitation of the Albion Street Overpass; Prop No. 2023M-023AG-001

Ms. Flannery,

This ordinance will approve a participation agreement between Metro and the Cheatham County Railroad Authority toward the rehabilitation of the Albion Street Overpass. TDOT has provided grant funding to the Authority toward the rehabilitation. The NDOT Sidewalk Program will be widening sidewalks under the bridge and has agreed to contribute an additional \$200,000 to the Authority to widen their structure to accommodate the sidewalks.

Sincerely,

Darrell K. Moore

Darrell K. Moore
Technical Specialist/Project Administrator
Metro Nashville Public Works
615-862-8730
Darrell.Moore@nashville.gov

**CHEATHAM COUNTY RAILROAD AUTHORITY
ALBION STREET BRIDGE REHABILITATION PROJECT
PARTICIPATION AGREEMENT
Albion Street Location**

THIS AGREEMENT is entered into by and between the Cheatham County Railroad Authority, hereinafter known as "THE AUTHORITY", and the Metropolitan Government of Nashville and Davidson County acting through the Nashville Department of Transportation and Multimodal Infrastructure, hereinafter known as "NDOT".

WHEREAS, THE AUTHORITY has proposed to perform a rehabilitation and repair of the overhead railroad bridge crossing Albion Street approximately 225 feet west of 21st Avenue North, expanding the clear zone underneath the bridge to 22 feet ("the Rehabilitation"); and,

WHEREAS, NDOT has proposed an upgrade to Albion Street under the bridge that will add two 11-foot lanes and two 5-foot sidewalks to tie into the existing pedestrian and vehicular facilities along Albion Street ("the Upgrade"); and,

WHEREAS, to upgrade Albion Street, the clear zone under the railroad bridge crossing will need to expand from 22 feet to 32 feet; and,

WHEREAS, THE AUTHORITY is utilizing Tennessee Department of Transportation ("TDOT") funding to cover the construction of the expansion of the clear zone underneath the railroad bridge crossing only up to 22 feet; and,

WHEREAS, NDOT has requested that the clear zone underneath the railroad bridge crossing be expanded from 22 feet to 32 feet to allow for the Upgrade; and,

WHEREAS, NDOT has committed to contributing up to TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) of NDOT Sidewalk Program funds toward the cost of the Rehabilitation to account for the difference between a 22-foot clear zone and a 32-foot clear zone; and,

WHEREAS, both the Rehabilitation and the Upgrade will directly benefit both parties and the general community of Nashville and Davidson County, Tennessee;

NOW, THEREFORE, THE AUTHORITY AND NDOT AGREE AS FOLLOWS:

I. SCOPE OF WORK:

The design and construction of the Upgrade shall be completed by NDOT. All materials and methods used to construct the proposed infrastructure shall be in keeping with NDOT's standard drawings, construction specifications, and approved materials. If there are any conflicts during construction, NDOT will address them with THE AUTHORITY. NDOT will provide on-site inspections during the Upgrade construction to ensure that work is proceeding in accordance with approved plans.

II. PAYMENT TERMS AND CONDITIONS:

A. NDOT agrees to provide THE AUTHORITY \$200,000.00 (hereinafter, the "Payment"), to fund the extended clear zone necessary to construct the Upgrade during the Rehabilitation

identified on Exhibit A. As part of Exhibit A, an overall location map of Albion Street is included with the location of THE AUTHORITY'S project.

- B. THE AUTHORITY agrees to design and construct the Rehabilitation with reasonable diligence and promptness upon receipt of the funds from NDOT.
- C. NDOT will inspect the construction of and will be responsible for ongoing operation and maintenance of the Upgrade only.
- D. THE AUTHORITY acknowledges and agrees that under no circumstances will NDOT pay THE AUTHORITY more than \$200,000 in connection with the Rehabilitation and Upgrade, regardless of the final cost of construction of the extended clear zone necessary to construct the Upgrade.
- E. Upon acceptance of the Payment, NDOT shall not unreasonably withhold THE AUTHORITY'S permits for the Rehabilitation including but not limited to road closure permits
- F. This agreement is subject to the approval through Resolution (one reading) of The Metropolitan Council of Nashville and Davidson County.

III. FUTURE AMENDMENTS:

Any future amendments to this agreement shall be approved by resolution of the Metropolitan Council.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

RECOMMENDED BY:

Diana Wallara
CCAE046554B3461...
Director of Transportation

ACCEPTED BY:

Eb Cole
Cheatham County Railroad Authority

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:
Kelly Flannery
CF513D4D905F4EB...
Director of Finance

Sworn to and subscribed to before me, a Notary Public, this *29* day of *JUNE* 20 *23*, by *Chairman*

of The Authority and duly authorized to execute this instrument on The Authority's behalf,

Rachel M. Dutton
Notary Public

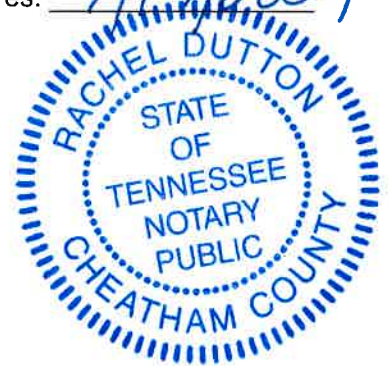
APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:
Erica Haber
D4F54A9815BD454...
Metropolitan Attorney

My Commission Expires: *7/12/2024*

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Metropolitan Mayor



FILED IN THE OFFICE OF THE CLERK:

Metropolitan Clerk

Date: _____