

AGENDA REPORT

DATE February 3, 2004

ITEM: LANDSCAPING AGREEMENT FOR 10<sup>TH</sup> AVENUE SOUTH, 26<sup>TH</sup> TO 38<sup>TH</sup> STREETS, MILL AND OVERLAY PROJECT, O. F. 1377

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE LANDSCAPING AGREEMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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**RECOMMENDATION:** Staff recommends approval of the Landscaping Agreement for the 10<sup>th</sup> Avenue South, 26<sup>th</sup> to 38<sup>th</sup> Streets, Mill and Overlay project, O. F. 1377.

**MOTION:** “I move the City Commission approve the Landscaping Agreement for the 10<sup>th</sup> Avenue South, 26<sup>th</sup> to 38<sup>th</sup> Streets, Mill and Overlay project, O. F. 1377, with the Montana Department of Transportation, and authorize the City Manager to execute the agreement.”

**SYNOPSIS:** As a part of the mill and overlay project on 10<sup>th</sup> Avenue South from 26<sup>th</sup> to 38<sup>th</sup> Streets, the Montana Department of Transportation (MDT) has agreed to add landscaping to the medians at three locations. City staff was involved in the designing of the new landscaping. MDT will include the islands with the project construction, manage the project, and pay for the improvements. The City will be responsible for future care and maintenance.

**BACKGROUND:** MDT is in the final stages of designing a project to mill and overlay 10<sup>th</sup> Avenue South from 26<sup>th</sup> to 38<sup>th</sup> Streets. The current asphalt surface, installed in the late 1980’s, is showing signs of deterioration, including ravelling and rutting. This project will mill off the top of the existing pavement and install a new layer of asphaltic pavement. Most of the existing curb and gutter will remain in place, although there will be realignment of some driveways. Handicap ramps will be installed at all intersections, and sidewalks will be installed where they currently do not exist. Most of the work will be done at night to avoid traffic disruption. The construction will be completed in a relatively short time period, and is scheduled for the summer of 2004.

The City requested that landscaping be added to improve the appearance of the corridor. MDT agreed, and this part of the project was developed jointly. The landscaping will include trees, shrubs, and red brick in a raised median. Three medians will be landscaped. These are located just east of 27<sup>th</sup> Street between Lions Park and Pierce’s Superstores; between 34<sup>th</sup> and 35<sup>th</sup> Streets; and between 36<sup>th</sup> and 37<sup>th</sup> Streets.

Attachments: Landscaping Project Agreement, O. F. 1377

**PROJECT AGREEMENT  
LANDSCAPING**

NH 60-2 (57) 91  
10<sup>TH</sup> AVE S – 26<sup>TH</sup> to 38<sup>TH</sup> GTF  
CONTROL NUMBER 4323

This **AGREEMENT**, is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between the State of Montana, Department of Transportation, hereinafter called the **STATE**, and the City of Great Falls, a Montana Municipal Corporation, hereinafter called the **CITY**,

**WITNESSETH:**

WHEREAS, the City wishes to beautify a National Highway corridor in the City of Great Falls by landscaping some of the medians on 10<sup>th</sup> Avenue South;

WHEREAS, the State will award a contract for the construction of a section of 10<sup>th</sup> Avenue South between 26<sup>th</sup> Street and 38<sup>th</sup> Street;

WHEREAS, the project will include landscape improvements throughout the project. An irrigation system and extensive landscape improvements will be provided in the medians as shown on the plans;

WHEREAS, the State and City recognize the value of improving the visual view shed of the roadway;

WHEREAS, the scope of landscaping and financing of the landscaping with NH funds has been approved by the Federal Highway Administration; and,

WHEREAS, the State has included the City's landscaping recommendations into the 10<sup>TH</sup> AVE S – 26<sup>TH</sup> to 38<sup>TH</sup> Project.

NOW, THEREFORE, it is understood and agreed as follows:

The State will include the City's landscaping recommendations in the Plans, Specifications, and Estimate package for the 10<sup>TH</sup> AVE S – 26<sup>TH</sup> to 38<sup>TH</sup> GTF Project. The bid item for the landscaping shown on the plans will be a lump sum payment item.

The State will administer the construction for the 10<sup>TH</sup> AVE S – 26<sup>TH</sup> to 38<sup>TH</sup> GTF Project.

Landscaping included in the plans and as bid by the Contractor will be considered as one of the roadway construction items. As such, it will be financed through Federal-Aid NH funds and State Matching Funds in the appropriate project ratio.

The State agrees to complete the landscaping work as detailed in the plans with the construction of the 10<sup>TH</sup> AVE S – 26<sup>TH</sup> to 38<sup>TH</sup> GTF Project.

Upon completion and installation of the landscaping features designed and constructed under this agreement, the City agrees to maintain or cause to be maintained the landscaping at no cost to the State. The City will also provide water for the irrigation system and maintenance of the irrigation system at no cost to the State. The City's responsibility for maintenance under this agreement applies specifically to all landscaping included in the plans and constructed with

the 10<sup>TH</sup> AVE S – 26<sup>TH</sup> to 38<sup>TH</sup> GTF project.

If, during the course of construction of the 10<sup>TH</sup> AVE S – 26<sup>TH</sup> to 38<sup>TH</sup> GTF project, it becomes necessary or desirable to make changes to the scope of the landscaping, the State or the City may modify this agreement by mutual consent of the parties.

The State and City each agree to designate an individual to act as a liaison for project coordination of this agreement.

**IN WITNESS WHEREOF**, the Director of Transportation or his authorized representative has hereunto subscribed his name on behalf of the State of Montana and the City Manager or his authorized representative has subscribed his name.

**STATE OF MONTANA  
DEPARTMENT OF TRANSPORTATION**

By \_\_\_\_\_

**CITY OF GREAT FALLS**

By \_\_\_\_\_  
John W. Lawton, City Manager

SEAL

\_\_\_\_\_  
ATTEST: Carolyn Horst-Broquist  
Deputy City Clerk

\_\_\_\_\_  
Approved for Legal Form  
David V. Gliko, City Attorney