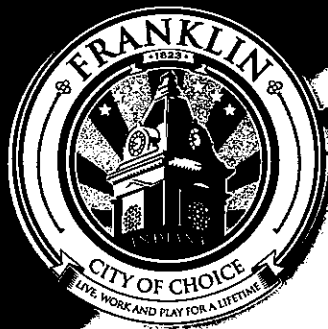




CITY OF FRANKLIN

OFFICE OF THE MAYOR

Fred L. Paris
Mayor

Janet P. Alexander
Clerk - Treasurer

Robert D. Schafstall
City Judge

October 11, 2011

Dear business operator and land owners,

As mayor of Franklin, I have worked over the past four years to resolve the issue of the unfinished road in the Hudson Drive / RJ Parkway area that serves as access for business in this area.

When the developer went out of business a few years ago the city chose to vacate the plat for the road rather than pursue other legal means to get the project done. Over the past few years some of you purchased land and opened business in the area without a clear understanding of the issue with the roadway. While your business park is not part of a TIF district where the Redevelopment Commission has authority to spend funds to assist business, I as mayor still feel very strongly that this issue needs to be resolved and the road made usable and in safe condition.

I support the City accepting back ownership of the roadway and fixing the road as part of our regular paving program. I believe the cost will be in the \$50 to \$60 thousand range and feel this investment to support the many business and jobs in the park is very justifiable.

If you support this project moving forward I need your assistance. The Board of Works meets on October 18th at 9 AM in the City Hall Council Chambers (70 E. Monroe Street) to discuss this project. I need you to be in attendance if at all possible to show the Board of Works your support and desire to have the project done and tell the Board a little about your company and the economic Impact your company has in paid taxes and jobs. If you can't make the meeting a written letter to the board would be a good second option.

Again, as mayor I feel this project is long overdue and now is the time to put it behind us so that we can better serve businesses in Franklin.

Sincerely,

Fred L Paris

From: Trent Newport [mailto:tnewport@crossroadengineers.com]
Sent: Friday, October 07, 2011 11:49 AM
To: 'Robert H. Schafstall'; Todd Wilkerson; Fred L. Paris
Cc: Janet Alexander
Subject: RE: Hudson Street / R.J. Parkway

To all,

Based on the geotech report completed by Patriot Engineering (attached hereto), the stone subbase that exists on this roadway is generally in good condition (besides the few pot holes) and is well compacted from all the traffic to date on the road. It appears that the stone was installed at 8" or 9" depth and what remains today is approximately 8" to 8.5" except at the corner where it is approx. 6" due to stone being lost from the turning movement.

The City of Franklin section for a non-residential local road is 7" of asphalt on 8" of compacted aggregate #53 base (this is the type of stone present on the road). Therefore, it is my recommendation to regrade the existing stone on the road so that a minimum of 6" of stone is left and then add the 7" of asphalt on top of that. Again, per the report the stone and subgrade are in good condition and this will minimize the grade change and allow us to use the extra stone without adding more. A large portion of this excess stone will be used at the corner where it is low and also to fill in the various pot holes. The remainder can be used for a 1 ft wide stone shoulder since the new pavement elevation will create a drop off on the sides. Since this pavement will be higher there will need to be transitions at the ends to connect to the existing pavement. I would suggest that we perform some minimal survey and design work to show this plan and also include the ditch grading which will be required from the corner going north to connect to the existing road side ditch (we can perform this work hourly under the City Engineer category).

Assuming that the contractor will do the work for the original bid prices (I think Todd confirmed this but will let him reply), the construction cost would be around \$50,000 (we will need to get a prices for the ditch grading so I am estimating that plus need to confirm that the regarding item that was bid will include the stone shoulders using existing material). If we need to confirm this pricing before the BPW meeting then please reply so we can do that. I will let you all make the decision on if this work can be added to the contract with a change order, but I would say that since it was included as an alternate bid (even though not awarded) the term "Re-surfacing" was just a term used for the majority of the work and clearly the intent was to possibly build this street within this contract....so it is at least my opinion that this work falls within items "e" and "f" below (highlighted below).

If it is decided to move forward with this as a change order to the contract then I will plan to be at the meeting on 10/18 to present my recommendation and I can begin now or after that meeting (in case we should wait to see if it gets approved) to do the engineering work. We will need to act fast to get this done before we lose temperatures for 2011 to pave the surface lift.

Thanks,

Trent E. Newport, P.E., L.S.
CrossRoad Engineers, P.C.
3417 Sherman Drive
Beech Grove, Indiana 46107
(317) 780-1555 Ext. 114
(317) 780-6525 Fax
tnewport@crossroadengineers.com

From: Robert H. Schafstall [mailto:robhschafstall@gmail.com].
Sent: Monday, October 03, 2011 9:32 AM
To: Trent Newport; Todd Wilkerson; Fred Paris
Cc: Janet Alexander
Subject: Hudson Street / R.J. Parkway

Following up on Hudson Street / R.J. Parkway - a few things -

* The original 2011 resurfacing plans were not prepared, signed, or sealed by Trent, which is alright as long as nothing in that contract involved the practice of engineering. (This is the legal rub in the Moody v. Franklin cases, both as to the 2010 and 2011 resurfacing programs). "Resurfacing" is a term of art defined by statute - in short, it's the "placement of additional pavement layers ... over the existing (or restored or rehabilitated) roadway ... to provide additional strength or to improve serviceability for a substantial time period." I've heard Trent describe what needs to be done to Hudson Street / R.J. Parkway (and I've reviewed the minutes), but it's not clear to me whether this work is only resurfacing - if it's more than that, then it can't be added to the resurfacing contract and instead would require a new set of plans prepared, signed, and sealed by Trent that deal solely with that work - in such case, it's more akin to "construction" than "resurfacing".* Change order can't exceed 20% of the original contract amount - in this case, it's about 10%.

* The procedure for change orders is as follows - IC 36-1-12-18 Change or alteration of specifications; change orders

Sec. 18. (a) If, in the course of the construction, reconstruction, or repair of a public work project, it becomes necessary to change or alter the original specifications, a change order may be issued to add, delete, or change an item or items in the original contract. The change order becomes an addendum to the contract and must be approved and signed by the board and the contractor. (b) If a licensed architect or engineer is assigned to the public work project, the change order must be prepared by that person.

(c) A change order may not be issued before commencement of the actual construction, reconstruction, or repairs except in the case of an emergency. In that case, the board must make a declaration, and the board's minutes must show the nature of the emergency.

(d) The total of all change orders issued that increase the scope of the project may not exceed twenty percent (20%) of the amount of the original contract. A change order issued as a result of circumstances that could not have been reasonably foreseen does not increase the scope of the project.

(e) All change orders must be directly related to the original public work project.

(f) If additional units of materials included in the original contract are needed, the cost of these units in the change order must be the same as those shown in the original contract. As added by P.L.329-1985, SEC.24.

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