

**AMENDMENT TO THE AGREEMENT BETWEEN  
KENTUCKY TRANSPORTATION CABINET  
AND THE  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
MERCER RD AT GREENDALE RD TURN LANES  
SC-628-1800001345  
SYP ITEM # 07-03720.00  
DUNS: 020428777**

This Amendment made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Lexington-Fayette Urban County Government (RECIPIENT) acting as an amendment to that Agreement entered into between the parties dated October 18, 2017.

WHEREAS, on October 18, 2017, the parties hereto entered into an agreement for the Mercer Road at Greendale Road Turn Lane Project; and

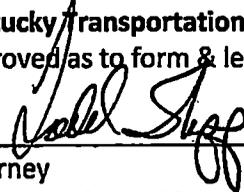
WHEREAS, the parties desire to amend said agreement;

NOW THEREFORE, in consideration of the following promises and covenants contained herein the parties hereby agree as follows:

1. The Terms and Conditions of Agreement numbered SC-628-1800001345 made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Recipient, are hereby extended December 31, 2021;
2. The Budget and Scope of Work of Agreement numbered SC-628-1800001345 is hereby modified as show on Attachment A;
3. All other terms and conditions of SC-628-1800001345 shall remain in effect.

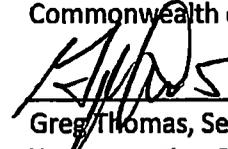
IN WITNESS WHEREOF, the parties have hereto caused these presents to be executed by their officers thereunto duly authorized:

**Kentucky Transportation Cabinet:**  
Approved as to form & legality:

  
\_\_\_\_\_  
Attorney  
Transportation Cabinet

Date: 12/9/19

Commonwealth of Kentucky

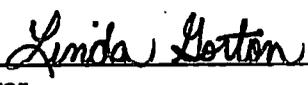
  
\_\_\_\_\_  
Greg Thomas, Secretary  
Transportation Cabinet

Date: 12/16/19

**Lexington-Fayette Urban County Government:**  
Approved as to form & legality:

\_\_\_\_\_  
Attorney

Date: \_\_\_\_\_

  
\_\_\_\_\_  
Mayor

Date: 11/26/19

**ATTACHMENT A  
SCOPE OF WORK AND BUDGET**

**Scope of Work:**

PE, environmental, design engineering and right-of-way activities for widening both sides of Mercer Rd along the westbound approach to the Greendale Rd intersection to provide separate lanes for left, right & through traffic. This includes sidewalks, bike lanes & modification of signals to support the lane use change.

**Budget:**

		Federal Funds (CMAQ)	Local Funds	Toll Credits	Total
Original MOA (October 18, 2017)	Design Phase Funding: LFUCG Program#9326901D	\$68,000.00	\$17,000.00	-	\$85,000.00
	Design Phase Funding: Cabinet Program# 9326902D	\$6,800.00	-	\$1,360.00	\$6,800.00
Supplemental Agreement No. 1 (Current)	R/W Phase Funding: LPA Program# 9326901R	+\$206,400.00	+\$51,600.00	-	+\$258,000.00
	R/W Phase Funding: Cabinet Program# 9326902R	\$20,640.00	-	\$4,128.00	\$20,640.00
<b>Design Phase Total for LPA</b>		<b>\$68,000.00</b>	<b>\$17,000.00</b>	<b>-</b>	<b>\$85,000.00</b>
<b>Design Phase Total for Cabinet</b>		<b>\$6,800.00</b>	<b>-</b>	<b>\$1,360.00</b>	<b>\$6,800.00</b>
<b>R/W Phase Total for LPA</b>		<b>\$206,400.00</b>	<b>\$51,600.00</b>	<b>-</b>	<b>\$258,000.00</b>
<b>R/W Phase Total for Cabinet</b>		<b>\$20,640.00</b>	<b>-</b>	<b>\$4,128.00</b>	<b>\$20,640.00</b>

**Estimated Future Phases:**

		Federal Funds (CMAQ)	Local Funds	Toll Credits	Total
Estimated	Utilities- LFUCG	\$32,000.00	\$8,000.00	-	\$40,000.00
	Utilities- KYTC	\$3,200.00	-	\$640.00	\$3,200
	Construction- LFUCG	\$487,440.00	\$121,860.00	-	\$609,300.00
	Construction- KYTC	\$48,744.00	-	\$9,748.80	\$48,744.00
	<b>Total-LFUCG</b>	<b>\$519,440.00</b>	<b>129,860.00</b>	<b>-</b>	<b>\$649,300.00</b>
<b>Total-KYTC</b>	<b>\$51,944.00</b>	<b>-</b>	<b>\$10,388.80</b>	<b>\$51,944.00</b>	

LFUCG  
MERCER RD @ GREENDALE TURN LANES  
CMAQ  
SYP # 07-03720.00  
SUPPLEMENTAL #1  
CONTRACT # SC-628-1800001345

**ATTACHMENT B**

**ATTACH A RESOLUTION HERE**

A resolution authorizing the Mayor or Judge/Executive to sign this agreement is necessary if funds are being added or removed from a project or the original terms and conditions are being altered.

RESOLUTION NO. 654 -2019

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 WITH THE KENTUCKY TRANSPORTATION CABINET, OFFICE OF LOCAL PROGRAMS, UNDER THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM, FOR THE ACCEPTANCE OF ADDITIONAL FEDERAL FUNDS IN THE AMOUNT OF \$206,400.00 FOR THE RIGHT OF WAY PHASE OF THE IMPROVEMENTS ON MERCER ROAD AT GREENDALE PROJECT, THE ACCEPTANCE OF WHICH OBLIGATES THE URBAN COUNTY GOVERNMENT FOR THE EXPENDITURE OF \$51,600.00 AS A LOCAL MATCH.

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BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to execute Supplemental Agreement No. 1, which is attached hereto and incorporated herein by reference, with the Kentucky Transportation Cabinet, Office of Local Programs, under the Congestion Mitigation and Air Quality (CMAQ) Program, for the acceptance of additional Federal funds in the amount of \$206,400.00 for the Right of Way Phase of the Improvements on Mercer Road at Greendale Project, the acceptance of which obligates the Urban County Government for the expenditure of \$51,600.00 as a local match.

Section 2 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 21, 2019

*Rinda Gordon*

MAYOR

ATTEST:

*[Signature]*

CLERK OF URBAN COUNTY COUNCIL

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Run Date: 10/31/2019  
Run Time: 13:52:19

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
FEDERAL-AID PROJECT MODIFICATION

Report: FMISD06A  
Page 1 of 1

RECIPIENT: 21-Kentucky FEDERAL PROJECT NO: 3003336 NO: 1

RECIPIENT PROJ. NO(S): 07-03720.00

PROJECT TITLE: Fayette - ROW activities for widening, turn lanes, sidewalks, bike lanes, signals on Mercer Rd in Lexington

PROJECT DESCRIPTION: ROW activities FOR WIDENING BOTH SIDES OF MERCER RD ALONG THE WESTBOUND APPROACH TO GREENDALE RD INTERSECTION TO PROVIDE SEPARATE LANES FOR LEFT, RIGHT & THROUGH TRAFFIC. THIS INCLUDES SIDEWALKS, BIKE LANES & MODIFICATION OF SIGNALS TO SUPPORT THE LANE USE CHANGE.

CLASSIFICATION OF PHASE OF WORK: ROW

THE PROJECT AGREEMENT FOR THE ABOVE REFERENCED PROJECT ENTERED INTO BETWEEN THE UNDERSIGNED PARTIES AND EXECUTED BY THE DIVISION ADMINISTRATOR ON 08/23/2017 IS HEREBY MODIFIED AS FOLLOWS:

PROGRAM CODE	FAIN	URBAN / WITH	FORMER AMOUNT	REVISED AMOUNT
M40E	213003336M40E	ESTIMATED TOTAL OF THE PROJECT	\$91,800.00	\$91,800.00
		FEDERAL FUNDS	\$74,800.00	\$74,800.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80%	80%
Z400		ESTIMATED TOTAL OF THE PROJECT	\$0.00	\$268,000.00
		FEDERAL FUNDS	\$0.00	\$0.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$216,400.00
		PERCENT FEDERAL SHARE	0%	0%

RECIPIENT REMARKS:

Mod#1 Toll Credits total = \$3,360.00

eMARS#- 9326901D;9326902D;9326901R;9326902R KYTC#- CM;419

Indirect Cost Rate- 0%, CFDA#- 20.205, Project End Date- 12/31/2021

OBLIGATE \$206,400 (Z400) ADVANCE CONSTRUCTION FUNDS FOR THE ROW PHASE OF THE PROJECT AND LFUCG WILL PROVIDE THE MATCHING FUNDS; OBLIGATE \$10,000 (Z400) FOR PROJECT OVERSIGHT BY STATE FORCES (TOLL CREDIT MATCH). LPA CONTRACT.

The State agrees that as a condition to payment of Federal funds obligated, it accepts and will comply with the agreement provisions set forth in 23 CFR 630.112; and its signature constitutes the making of certifications.

This agreement is subject to the following award terms: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>

DIVISION REMARKS:

ALL OTHER TERMS AND CONDITIONS OF THE PROJECT AGREEMENT WILL REMAIN IN FULL FORCE AND EFFECT.

EXECUTIVE OFFICE OF THE COMMONWEALTH OF KENTUCKY

AVAILABLE FUNDS CERTIFIED BY: Selena Curry DATE: 10/24/2019

APPROVAL RECOMMENDED BY: Erin Clouse DATE: 10/25/2019

APPROVED AND AUTHORIZED BY: Ronald Rigney DATE: 10/25/2019

FEDERAL HIGHWAY ADMINISTRATION

APPROVAL RECOMMENDED BY: Thava Overstreet DATE: 10/28/2019

APPROVED AND AUTHORIZED BY: Thava Overstreet DATE: 10/28/2019

MODIFICATION APPROVED BY: Keenan Clarke DATE: 10/29/2019