

**ADDENDUM No. 5**

**GRANT AGREEMENT UNDER THE  
CONSOLIDATED APPROPRIATIONS ACT, 2016  
(PUB. L. 114-113, DECEMBER 18, 2015)  
FOR THE NATIONAL INFRASTRUCTURE INVESTMENTS  
DISCRETIONARY GRANT PROGRAM  
(FY 2016 TIGER DISCRETIONARY GRANTS)**

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**

**TOWN BRANCH COMMONS CORRIDOR**

**FHWA FY 2016 TIGER Grant No. 7**

**SECTION 1. PURPOSE OF ADDENDUM**

- a) The purpose of this addendum, Addendum No. 5 (the “Addendum”) to FHWA FY 2016 TIGER Grant No. 7 (“Grant Agreement”), is to recognize and accept modifications to the schedule and budget for the “Town Branch Commons Corridor Project” (“Project”).
- b) This Addendum will constitute a formal amendment to the Grant Agreement which was executed by the U.S. Department of Transportation, the Federal Highway Administration (the “Government” or “FHWA”) and the Lexington-Fayette Urban County Government (the “Recipient”) (collectively the “Parties”). Except as modified, changed and supplemented by this Addendum, all terms and conditions of the original Grant Agreement shall continue in full force and effect.
- c) The following sets out the amendments to the referenced sections of the Grant Agreement:

**SECTION 2. AMENDED ARTICLE 1 OF THE GRANT AGREEMENT**

- a) **Section 1.7 of the Grant Agreement is amended and restated in its entirety and will read as follows:**

**1.7 Fund Obligation.**

- (a) As described in Attachment A, this project consists of a Base Phase for Right of Way Acquisition and Utility Relocation in all Zones, and an Option Phase 1 for all Zones (3, 4, 6, and 7) for eligible construction costs.
- (b) This agreement obligates the Base Phase amount of **Two Million Four Hundred Forty Thousand Three Hundred Fifty-Nine Dollars and Seven Cents (\$2,440,359.07)** for eligible costs in the Base Phase.
- (c) This agreement does not obligate funds for Option Phase 1. The parties may, by amendment under article 6, obligate the Option Phase 1 amount of **Eleven Million**

**Six Hundred Fifty-Five Thousand Five Hundred Twenty-Seven Dollars and Ninety-Three Cents (\$11,655,527.93)** for eligible costs in Option Phase 1 if the FHWA Kentucky Division Office approves the PS&E for Zones 3, 4, 6, and 7 and the Recipient has met all applicable Federal, State, and local requirements. Further, the approval for the Option Phase 1 is subject to availability of funds.

**SECTION 3. AMENDMENT ARTICLE 2 OF THE GRANT AGREEMENT**

**a) Section 2.2 of the Grant Agreement is amended and restated in its entirety and will read as follows:**

**2.2 Summary of Project’s Estimated Schedule.** (See Attachment B for additional details).

|  |                    |
|--|--------------------|
| Actual Completion of NEPA (Zone 6):                                    | September 15, 2017 |
| Actual Completion of NEPA (Zones 3, 4, and 7):                         | November 1, 2017   |
| Actual Start ROW Acquisition (All Zones):                              | February 15, 2018  |
| Actual End ROW Acquisition (All Zones):                                | July 31, 2019      |
| Actual Start Utility Relocation (All Zones):                           | April 15, 2018     |
| Actual End Utility Relocation (All Zones):                             | July 31, 2019      |
| Actual Completion of Final Design (All Zones):                         | August 15, 2019    |
| Actual PS&E Approval (All Zones)                                       | September 18, 2019 |
| Actual Construction Start Date (All Zones):                            | February 20, 2020  |
| Actual Construction Substantial Completion<br>and Open to Traffic Date | January 1, 2024    |
| Actual Budget Period End Date:   | April 1, 2024      |

**b) Section 2.3 of the Grant Agreement is amended and restated in its entirety and will read as follows:**

**2.3 Summary of Project’s Estimated Budget.** (See Attachment C for additional details).

TIGER Grant Funds and Additional Sources of Project Funds:

|                                    |                 |        |
|------------------------------------|-----------------|--------|
| TIGER Discretionary Grant Amount   | \$13,330,011.74 | 64.90% |
| Other Federal Funds <sup>1</sup> : | \$1,046,000     | 5.09%  |
| State Funds (if any):              | \$ 0            | 0%     |

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<sup>1</sup> This funding source includes \$626,000 in Transportation Alternatives Program (TAP) funding and \$434,000 in Congestion Mitigation and Air Quality (CMAQ) funding (including State forces cost). Match to TAP is included in local funds, State toll credits were used to match the CMAQ funding.

|                            |                        |             |
|----------------------------|------------------------|-------------|
| Local Funds <sup>2</sup> : | \$ 6,163,936.94        | 30.01%      |
| Other Funds (if any):      | \$ 0                   | 0%          |
| <b>Total Project Cost:</b> | <b>\$20,539,948.68</b> | <b>100%</b> |

**SECTION 4. AMENDMENT ARTICLE 9 OF THE GRANT AGREEMENT**

a) Section 9.1 of the Grant Agreement is amended and restated in its entirety and will read as follows:

9.1 **USDOT Contacts.** Except as authorized by the USDOT under section 3.2, the Recipient shall send all notices, reports, and information required by this agreement to all of the following contacts:

Aaron Buckner, P.E.  
 Discretionary Grants Program Advisor  
 Federal Highway Administration -Kentucky Division  
 330 West Broadway  
 Frankfort, KY 40601-1981  
 (502) 223-6741  
 Aaron.Buckner@dot.gov

and

FHWA TIGER Program Manager  
 Federal Highway Administration  
 Office of Freight Management and Operations  
 1200 New Jersey Avenue, SE  
 Room E86-206  
 Washington, DC 20590  
 (202) 366-2639  
 FHWA-TIGER.Reports@dot.gov

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<sup>2</sup> The local funding source includes \$10,000,000 bond authorization by Lexington Fayette Urban County Government (LFUCG) and \$1,854,113 in the Fiscal Year (FY) 2018 LFUCG budget.

and

OST TIGER Discretionary Grants Coordinator

United States Department of Transportation

Office of the Secretary

1200 New Jersey Avenue, SE

Washington, DC 20590

(202) 366-8914

TIGERGrants@dot.gov

**SECTION 5. AMENDED SIGNATORY NAME FOR THE FHWA KENTUCKY  
DIVISION ADMINISTRATOR**

Signature page for the USDOT is amended and restated in its entirety and will read as follows:

**EXECUTION BY THE USDOT**

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Shundreka Givan

FHWA Kentucky Division Administrator

**SECTION 6. AMENDED ATTACHMENT C OF THE GRANT AGREEMENT**

**Attachment C of the Grant Agreement is amended and restated in its entirety and will read as follows:**

**ALL ZONES (3, 4, 6, 7)**

| <b>ESTIMATED PROJECT BUDGET: ALL ZONES ACTIVITY</b> | <b>FY16 TIGER FUNDS</b> | <b>MATCH TO TIGER FUNDS<sup>3</sup></b> | <b>OTHER FEDERAL FUNDS<sup>4</sup></b> | <b>MATCH TO OTHER FEDERAL FUNDS</b> | <b>OTHER LOCAL FUNDS</b> | <b>TOTAL PROJECT COST</b> |
|---|-------------------------|---|--|-------------------------------------|--------------------------|---------------------------|
| <b>DESIGN</b>                                       | <b>\$0</b>              | <b>\$0</b>                              | <b>\$1,046,000</b>                     | <b>\$154,000</b>                    | <b>\$2,677,434</b>       | <b>\$3,877,434</b>        |
| <b>ROW</b>  |                         |   |  |                                     |                          |                           |
| <b>ZONES 3,4,6,7</b>                                | <b>\$2,440,359.07</b>   | <b>\$610,089.77</b>                     | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$3,050,448.84</b>     |
| <b>UTILITY</b>                                      | <b>\$202,960.84</b>     | <b>\$50,740.21</b>                      | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$253,701.05</b>       |
| <b>PAVING</b>                                       | <b>\$1,068,983.80</b>   | <b>\$267,245.95</b>                     | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$1,336,229.75</b>     |
| <b>ROADWAY</b>                                      | <b>\$4,267,663.39</b>   | <b>\$1,066,915.85</b>                   | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$5,334,579.24</b>     |
| <b>DRAINAGE</b>                                     | <b>\$761,709.39</b>     | <b>\$190,427.35</b>                     | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$952,136.74</b>       |
| <b>BRIDGE</b>                                       | <b>\$166,268.40</b>     | <b>\$41,567.10</b>                      | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$207,835.50</b>       |
| <b>SEWER</b>  | <b>\$0</b>              | <b>\$0</b>                              | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$0</b>                |
| <b>SIGNAGE</b>                                      | <b>\$274,109.60</b>     | <b>\$68,527.40</b>                      | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$342,637.00</b>       |
| <b>SIGNALIZATION</b>                                | <b>\$265,394.46</b>     | <b>\$66,348.61</b>                      | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$331,743.07</b>       |
| <b>LIGHTING</b>                                     | <b>\$630,517.06</b>     | <b>\$157,629.26</b>                     | <b>\$0</b>                             | <b>\$0</b>                          | <b>\$0</b>               | <b>\$788,146.32</b>       |

<sup>3</sup> Lexington Fayette Urban County Government (LFUCG)

<sup>4</sup> Congestion Mitigation Air Quality Program (CMAQ) funding and Transportation Alternatives Program (TAP) funding

<sup>11</sup> Total Project Cost has been updated to accurately reflect the project. The contingency has been updated to \$0, and \$765,875.26 in unspent TIGER funds remain, which are no longer included in the project budget at closeout.

|  |                           |                           |                    |                   |                    |                           |
|--|---------------------------|---------------------------|--------------------|-------------------|--------------------|---------------------------|
| <b>LANDSCAPING</b>   | <b>\$648,449.46</b>       | <b>\$162,112.36</b>       | <b>\$0</b>         | <b>\$0</b>        | <b>\$0</b>         | <b>\$810,561.82</b>       |
| <b>MISCELLANEOUS</b>   | <b>\$1,292,321.28</b>     | <b>\$323,080.34</b>       | <b>\$0</b>         | <b>\$0</b>        | <b>\$0</b>         | <b>\$1,615,401.62</b>     |
| <b>MOBILIZATION AND DEMOBILIZATION.</b>  | <b>\$541,538.93</b>       | <b>\$135,384.73</b>       | <b>\$0</b>         | <b>\$0</b>        | <b>\$0</b>         | <b>\$676,923.66</b>       |
| <b>CONSTRUCTION MANAGEMENT &amp; INSPECTION SERVICES</b>                                     | <b>\$713,289.82</b>       | <b>\$178,322.45</b>       | <b>\$0</b>         | <b>\$0</b>        | <b>\$0</b>         | <b>\$891,612.27</b>       |
| <b><i>PREVIOUSLY INCURRED COST FOR CONSTRUCTION MANAGEMENT &amp; INSPECTION SERVICES</i></b> | <b><i>\$56,446.24</i></b> | <b><i>\$14,111.56</i></b> | <b><i>\$0</i></b>  | <b><i>\$0</i></b> | <b><i>\$0</i></b>  | <b><i>\$70,557.80</i></b> |
| <b>CONTINGENCY</b>   | <b>\$0</b>                | <b>\$0</b>                | <b>\$0</b>         | <b>\$0</b>        | <b>\$0</b>         | <b>\$0</b>                |
| <b>TOTAL:<sup>11</sup></b>   | <b>\$13,330,011.74</b>    | <b>\$3,332,502.94</b>     | <b>\$1,046,000</b> | <b>\$154,000</b>  | <b>\$2,677,434</b> | <b>\$20,539,948.68</b>    |

## **SECTION 7. EXECUTION OF ADDENDUM**

This Addendum may be executed in counterparts, which constitute one document. The parties shall execute this Addendum in triplicate and intend each countersigned original to have identical legal effect. When signed and dated by the authorized official of the Government, this instrument will constitute a formal amendment to the Grant Agreement. Except as modified, changed, and supplemented by this Addendum, all terms of the original Grant Agreement shall continue in full force and effect. Upon full execution of this Addendum by the Parties, the effective date will be the date the Government executes this Addendum as set forth below.

**EXECUTION BY THE USDOT**

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Shundreka Givan  
FHWA Kentucky Division Administrator



**EXECUTION BY LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**

By signature below, the Recipient acknowledges that it accepts and agrees to be bound by this agreement.

Executed this 9<sup>th</sup> day of October, 2024.



\_\_\_\_\_  
Linda Gorton  
Mayor, City of Lexington

**EXECUTION BY KENTUCKY TRANSPORTATION CABINET**

By signature below, the Kentucky Transportation Cabinet (KYTC) acknowledges that it agrees to act as a limited agent for the Recipient to assist in the receipt and disbursement of the FY 2016 TIGER Discretionary Grant obligated by this agreement and to perform such other administrative and oversight duties with respect to the award and the project as the Recipient and the KYTC shall agree upon between themselves. The KYTC acknowledges the fiduciary duty owed to the parties to this agreement and will promptly disburse the award to the Recipient at Recipient's direction and instructions. Further, the KYTC will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the duties it assumes under this agreement in compliance with the agreement's terms and conditions.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Jim Gray  
Secretary, Kentucky Transportation Cabinet