

AMENDMENT TO THE AGREEMENT BETWEEN  
KENTUCKY TRANSPORTATION CABINET  
AND THE  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
TOWN BRANCH TRAIL PHASE IV  
TOWN BRANCH TRAIL PHASE V  
TOWN BRANCH TRAIL PHASE VI  
PO2-628-1500003706

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 May 14, 2015.

WHEREAS, on May 14, 2015, the parties hereto entered into an agreement for the Town Branch Trail Crossing;  
and

WHEREAS, the parties desire to amend said agreement;

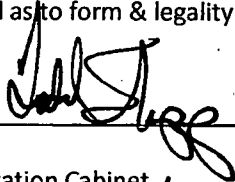
NOW THEREFORE, in consideration of the following promises and covenants contained herein the parties hereby agree as follows:

1. The Budget and Scope of Work of the Agreement numbered PO2-628-1500003706 made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Recipient is hereby amended as outlined in Attachment A;
2. All other terms and conditions of 1500003706 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:

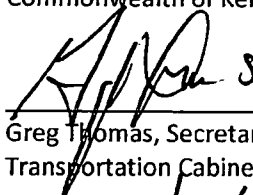


Attorney  
Transportation Cabinet

Date:

10/4/17

Commonwealth of Kentucky



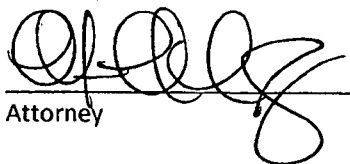
Greg Thomas, Secretary  
Transportation Cabinet

Date:

10/23/17

**Lexington-Fayette Urban County Government:**

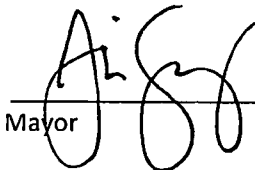
Approved as to form & legality:



Attorney

Date:

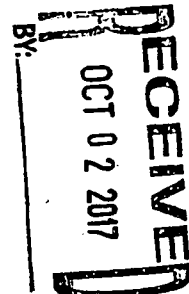
9/25/17



Mayor

Date:

9/25/17



**ATTACHMENT A**

**SCOPE OF WORK AND BUDGET SUMMARY**

All federally-funded CMAQ projects are set up in phases (design, ROW, utilities, construction). No work can begin on any phase of a project until the KYTC Office of Local Program provides a written notice to proceed for that phase. Funding for this project will be programmed with FHWA as each phase is approved. Effective December 26, 2014, FHWA requires a project end date for each federal project phase programmed. As each phase of the project is programmed with FHWA a supplemental agreement will be sent to the project sponsor to add the funding and adjust the project end date. Any expenditures incurred by the project sponsor after the end date will not be eligible for reimbursement. If the project sponsor requires an extension, they must notify the Office of Local Programs thirty (30) days before the project end date.

**Town Branch Trail Phase IV**

CM 3003 304-Federal Project Number

90157-Authorization

7-3708-SYP Item#

PE, environmental assessment, design engineering and ROW activities to construct 2,800 feet of shared use path from Bizzell Drive to Townley Shopping Center (New Circle Road) connect to Town Branch Trail Phase V in Lexington.

		Federal Funds (CMAQ)	Local Funds	Toll Credits	Total
Original MOA (May 14, 2015)	Design Phase Funding: LPA Program# 9015701D	\$106,000.00	-	\$21,200.00	\$106,000.00
	Design Phase Funding: Cabinet Program# 9015702D	\$2,000.00	-	\$400.00	\$2,000.00
Supplemental Agreement No. 1 (January 21, 2016)	Supplemental Agreement for time extension.				
Supplemental Agreement No. 2 (December 21, 2016)	Supplemental Agreement No. 2 extended the project end date to 12/31/19 and amended the scope of work and budget for Phase VI.				
Supplemental Agreement No. 3 (Current)	ROW Phase Funding: LPA Program # 9015701R	+\$75,000.00	-	+\$15,000.00	+\$75,000.00
	ROW Phase Funding: Cabinet Program # 9015702R	+\$5,000.00	-	+\$1,000.00	+\$5,000.00
<b>Design Phase Total for LPA</b>		<b>\$106,000.00</b>	<b>-</b>	<b>21,200.00</b>	<b>106,000.00</b>
<b>Design Phase Total for Cabinet</b>		<b>\$2,000.00</b>	<b>-</b>	<b>\$400.00</b>	<b>\$2,000.00</b>
<b>ROW Phase Total for LPA</b>		<b>\$75,000.00</b>	<b>-</b>	<b>\$15,000.00</b>	<b>\$75,000.00</b>
<b>ROW Total for Cabinet</b>		<b>\$5,000.00</b>	<b>-</b>	<b>\$1,000.00</b>	<b>\$5,000.00</b>

RESOLUTION NO. 561 -2017

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AMENDMENT NO. THREE (3) TO THE AGREEMENT WITH THE KENTUCKY TRANSPORTATION CABINET, ACCEPTING ADDITIONAL FEDERAL FUNDING IN THE AMOUNT OF \$75,000 FOR THE RIGHT OF WAY (ROW) PHASE FOR PHASE IV OF THE TOWN BRANCH TRAIL PROJECT, THE ACCEPTANCE OF WHICH OBLIGATES THE URBAN COUNTY GOVERNMENT FOR THE EXPENDITURE OF \$15,000 AS A LOCAL MATCH TO BE PROVIDED BY THE KENTUCKY TRANSPORTATION CABINET THROUGH TOLL CREDITS, AND AUTHORIZING THE MAYOR TO TRANSFER UNENCUMBERED FUNDS WITHIN THE GRANT BUDGET.

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 Amendment No. Three (3) to the Agreement, which is attached hereto and incorporated herein by reference, with the Kentucky Transportation Cabinet, accepting additional Federal funding in the amount of \$75,000 for the Right of Way (ROW) phase for Phase IV of the Town Branch Trail Project, the acceptance of which obligates the Lexington-Fayette Urban County Government for the expenditure of \$15,000 as a local match, to be provided by the Kentucky Transportation Cabinet through toll credits.

Section 2 - That subject to the provisions of Ordinance No. 22-79, the Mayor is hereby authorized, in his discretion as Chief Executive Officer of the Urban County Government, to transfer the unencumbered balance of any operating or capital account appropriation to another operating or capital account appropriation within the Grant budget previously established for this Grant.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: September 14, 2017

MAYOR



ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL

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