

AMENDMENT TO THE AGREEMENT BETWEEN  
KENTUCKY TRANSPORTATION CABINET  
AND THE  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
TOWN BRANCH TRAIL COMMONS-MIDLAND SECTION  
SC-628-1600005544/SYP ITEM # 07-03714.00  
SUPPLEMENTAL AGREEMENT NO. 5

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 June 29, 2016.

WHEREAS, on June 29, 2016, the parties hereto entered into an agreement for the Town Branch Trail Commons-Midland Section 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 Scope of Work and Budget of Agreement numbered SC-628-1600005544 made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Recipient, are hereby modified as outlined on Attachment A;
2. All other terms and conditions of SC-628-1600005544 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:

Commonwealth of Kentucky

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

\_\_\_\_\_  
Jim Gray, Secretary  
Transportation Cabinet

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

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

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

  
\_\_\_\_\_  
Attorney

  
\_\_\_\_\_  
Mayor

Date: 9/23/22

Date: 9/22/2022

**ATTACHMENT A  
SCOPE OF WORK AND BUDGET SUMMARY**

**Scope of Work:**

The scope of work for this project includes PE, environmental, design engineering, right-of-way, utilities and construction for bike/ped facilities from main Street/Midland Avenue to Third Street at Legacy Trail.

**Budget:**

		Federal Funds (CMAQ)	Federal Funds (SLX)	Local Funds	Toll Credits	Total
<b>Original MOA (June 29, 2016)</b>	Design Phase Funding: LFUCG Program# 9152901D	\$320,000.00	-	\$80,000.00	-	\$400,000.00
	Design Phase Funding: Cabinet Program# 9152902D	\$5,000.00	-	-	\$1,000.00	\$5,000.00
<b>Supplemental Agreement No. 1 (May 17, 2017)</b>	<b>Time extension only. No funding changes made.</b>					
<b>Supplemental Agreement No. 2 (May 21, 2018)</b>	ROW Phase Funding: LFUCG Program# 9152901R	\$708,940.00	-	\$177,235.00	-	\$886,175.00
	ROW Phase Funding: Cabinet Program# 9152902R	\$70,894.00	-	-	\$14,178.80	\$70,894.00
	Utilities Phase Funding: LFUCG Program# 9152901U	\$280,000.00	-	\$70,000.00	-	\$350,000.00
	Utilities Phase Funding: Cabinet Program# 9152902U	\$28,000.00	-	-	\$2,800.00	\$28,000.00
<b>Supplemental Agreement No. 3 (October 15, 2019)</b>	Construction Phase Funding: LFUCG Program# 9152901C	+\$3,891,060.00	-	+\$972,765.00	-	+\$4,863,825.00
	Construction Phase Funding: Cabinet Program# 9152902C	+\$389,106.00	-	-	+\$77,821.20	+\$389,106.00
<b>Supplemental Agreement No. 4 (March 19, 2020)</b>	Construction Phase Funding: LFUCG Program# 9152903C	-	+\$500,000.00	+\$125,000.00	-	+\$625,000.00
<b>Supplemental Agreement No. 5 (CURRENT)</b>	ROW Phase Funding: LFUCG Program# 9152901R	-\$245,553.60	-	-\$61,388.40	-	-\$306,942.00
	ROW Phase Funding: Cabinet Program# 9152902R	-\$70,865.90	-	-	-\$7,086.59	-\$70,865.90
	Utilities Phase Funding: LFUCG Program# 9152901U	-\$120,000.00	-	-\$30,000.00	-	-\$150,000.00
	Utilities Phase Funding: Cabinet Program# 9152902U	-\$25,442.29	-	-	-\$2,544.23	-\$25,442.29
	Construction Phase Funding: LFUCG Program# 9152901C	<b>+\$365,553.60</b>	-	+\$91,388.40	-	+\$456,942.00

<b>Design Phase Total for LFUCG</b>	<b>\$320,000.00</b>	<b>-</b>	<b>\$80,000.00</b>	<b>-</b>	<b>\$400,000.00</b>
<b>Design Phase Total for Cabinet</b>	<b>\$5,000.00</b>	<b>-</b>	<b>-</b>	<b>\$1,000.00</b>	<b>\$5,000.00</b>
<b>ROW Phase Total for LFUCG</b>	<b>\$463,386.40</b>	<b>-</b>	<b>\$115,847.00</b>	<b>-</b>	<b>\$579,233.40</b>
<b>ROW Phase Total for Cabinet</b>	<b>\$28.10</b>	<b>-</b>	<b>-</b>	<b>\$2.81</b>	<b>\$28.10</b>
<b>Utilities Phase Total for LFUCG</b>	<b>\$160,000.00</b>	<b>-</b>	<b>\$40,000.00</b>	<b>-</b>	<b>\$200,000.00</b>
<b>Utilities Phase Total for Cabinet</b>	<b>\$2,557.71</b>	<b>-</b>	<b>-</b>	<b>\$2,800.00</b>	<b>\$28,000.00</b>
<b>Construction Phase Total for LFUCG</b>	<b>\$4,256,613.60</b>	<b>\$500,000.00</b>	<b>\$1,189,153.40</b>	<b>-</b>	<b>\$5,945,767.00</b>
<b>Construction Phase Total for Cabinet</b>	<b>\$389,106.000</b>	<b>-</b>	<b>-</b>	<b>\$77,821.20</b>	<b>\$389,106.00</b>

All federally-funded projects are set up in phases (design, ROW, utilities, construction). No work can begin on any phase of a project until the CABINET 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 expenditure 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 Administering Office thirty (30) days before the project end date.

**ATTACHMENT B**

**ATTACH A RESOLUTION HERE**

A resolution is necessary if funds are being added or removed from a project or the original terms and conditions are being altered.

**ATTACHMENT C  
PERSON IN RESPONSIBLE CHARGE FORM**

If the Person in Responsible Charge has changed since the execution of the original MOA, please attach a new form as Attachment C.

The form can be accessed at: <https://transportation.ky.gov/Program-Management/Documents/LPA1%20-%20Attach%203%20-%20Person%20in%20Responsible%20Charge%20Form.docx>.

If a new form is unnecessary, no Attachment C will be required with this Supplemental Agreement.