

GRANT AWARD AGREEMENT

Fiscal Year 2021 Class B Infrastructure Incentive Grant Program

THIS AGREEMENT, made and entered into on the _____ day of _____, 20____, by and between the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (LFUCG)**, an urban county government of the Commonwealth of Kentucky, pursuant to KRS Chapter 67A (hereinafter "Government"), on behalf of its Division of Water Quality, and **UNITED LANDSCAPE SERVICES, INC.**, 229 SHADY LANE, LEXINGTON, KENTUCKY 40503 (hereinafter "Grantee") and **WINDSWEPT VENTURES, LLC.**, 229 SHADY LANE, LEXINGTON, KENTUCKY 40503 (hereinafter "Property Owner").

WITNESSETH:

WHEREAS, the Grantee is an association of documented fee-payers of the Government's Water Quality Management Fee; and

WHEREAS, the Grantee has proposed a need for the funds requested to develop and implement a proposed project by submitting a valid grant application; and

WHEREAS, the Grantee's grant application has been reviewed and selected for funding by the Water Quality Fees Board in accordance with Sections 16-408 and 16-410 of the Government's Code of Ordinances; and

WHEREAS, the Government has funds available through the Stormwater Quality Projects Incentive Grant Program to assist the qualified Grantee in the development and implementation of projects that meet the goals of the program; and

WHEREAS, the Grantee desires to implement a specific project that meets one or more Incentive Grant program goals to improve water quality, reduce stormwater runoff, and provide public or private education related to stormwater quality; and

WHEREAS, any such improvements funded by the Government shall benefit the public through installed improvements and/or educational programming;

THAT FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS HEREIN EXPRESSED, GOVERNMENT AND GRANTEE AGREE AS FOLLOWS:

- (1) The Government hereby grants the Grantee the sum of **\$26,000.00** (hereinafter "the Grant"), for use in implementing the project elements as listed in Attachment A which is incorporated herein by reference as if fully set out herein. The Grantee agrees to cost share the Grant with contributions, labor, and/or other services equal to or greater than 20% of the total project cost.
- (2) The Grantee agrees to use the Grant only for the activities set forth in Attachment A which includes analysis of stormwater control infrastructure at the following site location(s): **729 BELLAIRE AVENUE, LEXINGTON, KENTUCKY 40508** currently owned by the Property Owner.
- (3) The Grantee agrees to meet all design standards specified in the Government's Engineering Manuals or as further described in Attachment A in the design of all Grant-funded improvements. This includes all associated activities including but not limited to erosion and sediment control, traffic control, utility relocations, seeding, etc. The Grantee further

ATTACHMENT A
to the GRANT AWARD AGREEMENT
between Lexington-Fayette Urban County Government (LFUCG) and
United Landscape Services, Inc.

GRANT PROGRAM

**2021 Stormwater Quality Projects Incentive Grant Program
Class B Infrastructure Projects**

- Funded through the LFUCG Water Quality Management Fee
- Administered by the LFUCG Division of Water Quality in the Department of Environmental Quality & Public Works
- Feasibility Only Grant

PROJECT TEAM AND CONTACT INFORMATION

Grantee Organization: United Landscape Services, Inc.
229 Shady Lane
Lexington, KY 40503
KY Organization #0328434



Primary Project Contact: James W. McFarlane
859-229-0510 (phone)
jwm@unitedlandscape.net (email)

Secondary Project Contact: Sue Ellen McFarlane
859-229-4872 (phone)
sem@unitedlandscape.net (email)

Project Manager: Denise O'Meara
Earthcycle Design, LLC
859-229-3125 (phone)
domeara@ecdsite.com (email)

Project Site Location(s) & Property Owner(s): Windswept Ventures, LLC
729 Bellaire Avenue
Lexington, KY 40508
Parcel #10434300

Design Professional Firm: Earthcycle Design, LLC
3168 Arrowhead Drive
Lexington, KY 40503
859-229-3125 (phone)
Scott Southall, ASLA (Landscape Architect of Record)
bsouthall@ecdsite.com (email)

PROJECT PLAN ELEMENTS

The goal of the United Landscape Services Feasibility Study is to evaluate the feasibility of water quality and quantity Best Management Practices (BMPs) at 729 Bellaire Avenue, Lexington, Kentucky 40508 (see Figure 1), and to provide recommendations for locations of BMPs, and cost estimates for construction and future maintenance expenses. The project also seeks to provide research and assess alternative green infrastructure BMPs for their potential application on the site.

Project Elements

- A) **Feasibility Study:** Evaluate and identify potential Best Management Practices in the form of green infrastructure to resolve pollution, siltation, and flooding issues on the site while addressing the shared boundary with the Legacy Trail. Suitable BMPs and educational green infrastructure workshops given by the company include infiltration / rain gardens along the Legacy Trail, interpretive signage, native plantings, bioretention, rainwater / runoff collection, and permeable / pervious pavement.
- B) **Sustainable SITES Initiative:** Implement this initiative by utilizing a set of comprehensive, voluntary guidelines together with a rating system that evaluates the sustainable design,

construction, and maintenance of landscapes. The SITES rating system helps conserve, restore, and create the benefits provided by healthy ecosystems.

- C) **Educational Outreach**: Evaluate the feasibility of educational outreach programs that will engage users of the Legacy Trail with newly installed BMPs, such as rain gardens, along the property line shared with the Trail. Interpretive signage would provide educational opportunities for both adults and children, with potential workshops for the public on sustainable stormwater methods. The redesigned facility will assist the client and public by providing a public space to not only demonstrate many of the concepts of green infrastructure practices, but it will also focus on providing resources for visitors and those using the Legacy Trail that would like to replicate the stormwater design features at home.

1) *EVALUATE THE APPLICABILITY OF GENERAL STORMWATER BMPS AT SITE LOCATION*

2) *FINAL FEASIBILITY REPORT*

The results of the Feasibility Study will be presented in a final report that will include:

- a) A list of BMPs that are determined to be effective and suitable for installation at the property listed on Page 1 under "Project Site Location(s) & Property Owner(s)." They will be prioritized for implementation according to input from project collaborators, at a minimum.
- b) A Stormwater BMP Master Plan of the United Landscape Services Feasibility Study will show proposed BMP locations, the area draining to all proposed BMPs that will be treated, and the discharge locations.
- c) The estimated pollutant removal effectiveness of all BMPs.
- d) Letter certifying all BMPs proposed for design are viable and feasible for the specific site and application.
- e) Design and construction cost estimates.
- f) Special design and construction conditions such as necessary permits, etc.; and land acquisition costs.
- g) A summary of the educational outreach programs that were evaluated.

REPORTING REQUIREMENTS

In addition to the reporting requirements outlined in the Grant Award Agreement, the following special items are noted for this project:

- 1) Grantor shall be provided a minimum of three (3) hard copies of the Final Feasibility Report along with one (1) digital copy.
- 2) LFUCG shall make final payment of the 10% retainer after acceptance of the Project Final Report.
- 3) All attachments to Request for Funds & Project Status Reports shall reference the associated line Table 2 – Eligible Expenses.

PERMANENT FACILITIES / INFRASTRUCTURE

Does not apply to this grant. Attachment B is not required for this Agreement.

EQUIPMENT

Any equipment purchased with the Grant shall remain the property of the Organization.

ADDITIONAL GRANT STIPULATIONS

Note the following additional stipulation related to this project.

1. Organization to notify the Royal Spring Aquifer / Wellhead Protection Committee prior to work being done on the property.

GRANT PERIOD & PROJECT SCHEDULE

The grant period starts on the date of execution by the Mayor and extends for the time period as listed in the Grant Award Agreement. Any time extensions shall be approved in writing by the LFUCG Grant Manager. The project schedule shown in Table 1 is preliminary. Proposed changes to the project which alter this schedule significantly shall be discussed with the LFUCG Grant Manager prior to implementation.

TABLE 1 - PROJECT SCHEDULE

Activity	Anticipated Date
Grant Award Agreement (GAA) signed by United Landscape	April 2021
Notice To Proceed	May 2021
Monthly meetings regarding the design process	June – October 2021
Feasibility Study process completed and reviewed by United Landscape and LFUCG	October 2021
Project Closeout / Final Report Submitted to LFUCG	30 days post-completion

PROJECT BUDGET – GRANT ELIGIBLE EXPENSES

The project budget is broken into the following components:

Feasibility Phase:	\$26,000.00	Total Grant Share (not-to-exceed)
	<u>\$ 6,500.00</u>	Estimated Cost Share
	\$32,500.00	Est. Total Project Cost

Table 2 lists the eligible expenses for this project. Only properly invoiced items shall be reimbursed with grant monies or counted toward the Organization’s cost share.

Any work performed on this project prior to grant award by the Urban County Council and Notice to Proceed from the LFUCG Grant Administrator is not an eligible expense and shall not be reimbursed or counted toward the cost share.

The Grant is a not-to-exceed amount, and any cost overruns are the responsibility of the Grantee. Note that the Grant shall not be used to fund any project element that is required by local, state, or federal regulation in relation to any new development or redevelopment associated with the stormwater quality improvement project as described herein. Donated professional service hours shall be valued at the Median Hourly Wage for the service provided as published by the U.S. Department of Labor, Bureau of Labor Statistics, State Occupational Employment and Wage Estimates for Kentucky (current website: http://www.bls.gov/oes/current/oes_ky.htm).

TABLE 2 - ELIGIBLE EXPENSES

Line No.	Type of Expense	Participants	Item	Unit Price	Quantity	Funded by Organization	Funded by Grant	Total Expense	
1	Grant Management								
2	Professional Service Hours	ECD	Grant Management	\$ 162.50 per hour	40	\$ 6,500.00	\$ -	\$ 6,500.00	
3	Design								
4	Professional Service Hours	ECD/CDP	Base Map / Supplemental Site Survey (survey crew)	\$ 175.00 per hour	20	\$ -	\$ 3,500.00	\$ 3,500.00	
5	Professional Service Hours	ECD	Site Visit and Inventory	\$ 165.00 per hour	10	\$ -	\$ 1,650.00	\$ 1,650.00	
6	Professional Service Hours	ECD	Site Analysis with Owner	\$ 165.00 per hour	16	\$ -	\$ 2,640.00	\$ 2,640.00	
7	Professional Service Hours	ECD	Sustainable Site Design Criteria	\$ 165.00 per hour	8	\$ -	\$ 1,320.00	\$ 1,320.00	
8	Professional Service Hours	ECD	Preliminary Feasibility BMP's selection	\$ 165.00 per hour	32	\$ -	\$ 5,280.00	\$ 5,280.00	
9	Professional Service Hours	ECD	Review preliminary feasibility selection	\$ 165.00 per hour	8	\$ -	\$ 1,320.00	\$ 1,320.00	
10	Professional Service Hours	ECD	Prepare Feasibility Plan and Study	\$ 165.00 per hour	44	\$ -	\$ 7,260.00	\$ 7,260.00	
11	Professional Service Hours	ECD	Review feasibility plan and study with Owner	\$ 165.00 per hour	6	\$ -	\$ 990.00	\$ 990.00	
12	Professional Service Hours	ECD	Final revisions and submit plan/study to Owner and LFUCG	\$ 170.00 per hour	12	\$ -	\$ 2,040.00	\$ 2,040.00	
13	TOTAL PROJECT BUDGET:						\$ 6,500.00	\$ 26,000.00	\$ 32,500.00
14							ORGANIZATION SHARE	GRANT SHARE	
15									
16	COST SHARE % =						20.00%		
17	MUSTBE>20%						OK	20.0%	80.0%

FIGURE 1 – MAP OF PROJECT AREA (FROM GIS)



Note: The subject property is located within the Cane Run Watershed.



Stormwater Quality Projects Incentive Grant Program