




TO: Linda Gorton, Mayor
Urban County Councilmembers

FROM: 
Nancy Albright, Commissioner
Department of Environmental Quality

DATE: August 28, 2023

RE: Master Agreement Utility Paving Share between Kentucky American Water Company and LFUCG

Request:

This is to request a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Master Agreement, Utility Paving Share, between Kentucky American Water Company and LFUCG.

Why are you requesting?

Chapter 17C of the Code of Ordinances establishes authority with LFUCG for the maintenance and oversight of the public right-of-way. Kentucky American Water Company routinely performs activities to construct, excavate, install, operate, maintain, repair, and replace utility facilities located in the public right-of-way and is subject to the requirement to restore the public right-of-way. This Master Agreement establishes the opportunity to coordinate restoration in the public right-of-way. Where a structure for the sharing of costs for final paving restoration within the public rights-of-way can be mutually agreed upon, paving will be administered by LFUCG pursuant to this Master Agreement.

The initial term of this Master Agreement shall be for one (1) year from the date of execution. The agreement may be renewed for two (2) additional one (1) year terms by mutual agreement of the parties.

UTILITY may only terminate this Master Agreement due to LFUCG's material breach of the terms hereof, and only upon thirty (30) days written advance notice to LFUCG by registered or certified mail. Notwithstanding the foregoing, if an LFUCG breach of this Master Agreement presents a safety issue, as determined by UTILITY, UTILITY may terminate this Master Agreement immediately. LFUCG shall have the right to terminate and cancel this Agreement at any time upon thirty (30) days written notice served on UTILITY by registered or certified mail.

What is the cost in this budget year and future budget years?

There is no cost to the urban county government.

File Number:
EQPW/Nancy Albright

