

AMENDMENT TO THE AGREEMENT BETWEEN  
KENTUCKY TRANSPORTATION CABINET  
AND THE  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
ARMSTRONG MILL ROAD SIDEWALKS  
SC-628-1700004143  
SYP ITEM # 07-03213.00/FEDERAL NUMBER 4003012  
SUPPLEMENTAL AGREEMENT NO. 4

This Amendment is 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 17, 2017.

WHEREAS, on May 17, 2017, the parties hereto entered into an agreement for the Armstrong Mill Road Sidewalks; 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 KYTC will be the lead agency for the construction of sidewalks, two pedestrian bridges, and a traffic signal along Armstrong Mill Road between Tates Creek Road and just past Greentree Road in Lexington, Kentucky;
2. The KYTC will use federal Congestion Mitigation and Air Quality (CMAQ) funding for the project and the RECIPIENT agrees to provide a match of twenty percent (20%) of the total construction costs of \$1,497,000, and agrees to provide a match of twenty percent (20%) for any required change orders;
3. The KYTC will be responsible for construction inspection activities, and will provide the required twenty percent (20%) match for the federal funding for the construction inspection costs;
4. The KYTC will notify the RECIPIENT of any required construction change orders that will result in an increase in construction costs;
5. Beginning the quarter following the notice to proceed to the contractor, the KYTC will invoice the RECIPIENT quarterly for the twenty percent (20%) project match based on the quarterly construction expenditures;
6. The RECIPIENT will retain responsibility for the facilities once the project is complete;
7. All other terms and conditions of the original Agreement 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: \_\_\_\_\_

Commonwealth of Kentucky

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

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

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

\_\_\_\_\_  
Attorney

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

*Linda Gorton*  
\_\_\_\_\_  
Mayor

Date: *11/5/2021*