

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 and amended on January 21, 2016.

WHEREAS, on May 14, 2015, the parties hereto entered into an agreement for the Town Branch Trail Phase IV, V, and VI Project; and

WHEREAS, the parties desire to amend said agreement;

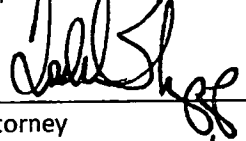
NOW THEREFORE, in consideration of the following promises and covenants contained herein the parties hereby agree as follows:

1. The Agreement numbered PO2-628-1500003706 made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Recipient is hereby extended until December 31, 2019 at which time that Agreement shall expire;
2. The Terms of Agreement numbered PO2-628-1500003706 are amended as outlined in the Attached Scope of Work and Budget Summary for Phase VI;
3. 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: 12/15/16

Commonwealth of Kentucky

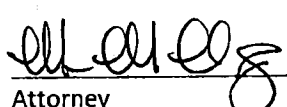


Greg Thomas, Secretary
Transportation Cabinet

Date: 12/21/16

Lexington-Fayette Urban County Government:

Approved as to form & legality:



Attorney

Date: 12/9/2016



Mayor

Date: 12/12/16

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 VI

CM 3003 306-
TAP 4003 011
90159-Authorization
7-3710-SYP Item #

PE, environmental assessment, and design engineering to construct 1.5 miles of shared use path from McConnell Springs Park to Oliver Lewis Way in Lexington.

This Amendment adds \$616,000 in federal dedicated TAP funds for the design phase for LFUCG.

		Federal Funds (CMAQ)	Federal Funds (TAP)	Local Funds		Total
Original MOA (5/14/15)	Design Phase Funding: LFUCG Program# 9015901D	\$430,000.00	-	-	\$86,800.00	\$430,000.00
	Design Phase Funding: Cabinet Program# 9015902D	\$4,000.00	-	-	\$800.00	\$4,000.00
Supplemental Agreement No. 1 (1/21/16)	SUPPLEMENTAL AGREEMENT NO. 1 WAS FOR TIME ONLY. NO BUDGET CHANGES WERE MADE.					
Supplemental Agreement No. 2 (Current)	Design Phase Funding: LFUCG Program# 9238101D	-	+\$616,000.00	+\$154,000.00	-	+\$770,000.00
	Design Phase Funding: Cabinet Program# 9238102D	-	+\$10,000.00	-	+\$2,000.00	+\$10,000.00

RESOLUTION NO. 747 -2016

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AMENDMENT NO. TWO (2) TO THE AGREEMENT WITH THE KENTUCKY TRANSPORTATION CABINET, FOR THE EXTENSION OF THE PERFORMANCE PERIOD THROUGH DECEMBER 31, 2019, FOR DESIGN OF PHASES IV, V, AND VI OF THE TOWN BRANCH TRAIL PROJECT, UNDER THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM, AT NO COST TO THE URBAN COUNTY GOVERNMENT, TO ACCEPT ADDITIONAL FEDERAL FUNDS, FROM THE KENTUCKY TRANSPORTATION CABINET, WHICH FUNDS ARE IN THE AMOUNT OF \$616,000.00, UNDER THE TRANSPORTATION ALTERNATIVES PROGRAM (TAP), ARE FOR THE FINAL DESIGN OF PHASE VI OF TOWN BRANCH TRAIL PROJECT, THE ACCEPTANCE OF WHICH OBLIGATES THE URBAN COUNTY GOVERNMENT FOR THE EXPENDITURE OF \$154,000.00 AS A LOCAL MATCH, 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. Two (2) to the Agreement, which is attached hereto and incorporated herein by reference, with the Kentucky Transportation Cabinet, for the extension of the performance period through December 31, 2019, for design of Phases IV, V, and VI of the Town Branch Trail Project, under the Congestion Mitigation and Air Quality (CMAQ) Program, at no cost to the Urban County Government.

Section 2 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to accept additional Federal funds, from the Kentucky Transportation Cabinet, which funds are in the amount of \$616,000.00, under the Transportation Alternatives Program (TAP), are for the final design of Phase VI of the Town Branch Trail Project, the acceptance of which obligates the Lexington-Fayette Urban County Government for the expenditure of \$154,000.00 as a local match.

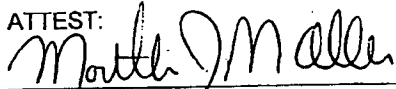
Section 3 - That subject to the provisions of Ordinance No. 22-79, the Mayor is hereby authorized, in his discretion as Chief Executive Officer of the Urban County Government, to transfer the unencumbered balance of any operating or capital account appropriation to another operating or capital account appropriation within the Grant budget previously established for this Grant.

Section 4 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: December 6, 2016


MAYOR _____

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

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