

**AMENDMENT TO THE AGREEMENT BETWEEN  
KENTUCKY TRANSPORTATION CABINET  
AND THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
TOWN BRANCH TRAIL CROSSING (CMAQ)  
PO2-628-1500004792/SYP ITEM #7-3702**

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 3, 2015.

WHEREAS, on June 3, 2015, the parties hereto entered into an agreement for the Town Branch Trail Crossing; 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 PO2-628-1500004792 are hereby amended to only include design and Right-of-Way related activities. The RECIPIENT acknowledges Section 102(b) of Title 23, United States Code requires repayment of all Federal-aid reimbursements for PE costs on a project that has not advanced to ROW acquisition or construction within 10 years after Federal-aid funds were first made available. This rule will apply to this project. LFUCG will be responsible for reimbursing KYTC for these funds if the project has not moved to the ROW or construction phase within 10 years. LFUCG will be responsible for securing funds for future phases of the project.
2. The Terms and Conditions of the Agreement are amended to include the designation of a Person in Responsible Charge of this PROJECT according to the terms outlined in the Attachment. The Attachment information must be current for the RECIPIENT to be in compliance with the federal regulations and an eligible recipient of federal funds. Failure to comply can result in cancellation of the PROJECT.
3. All other terms and conditions of PO2-628-1500004792 shall remain in effect.

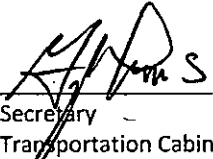
IN WITNESS WHEREOF, the parties have hereto caused these presents to be executed by their officers thereunto duly authorized:

**Kentucky Transportation Cabinet:**  
Approved as to form & legality:

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

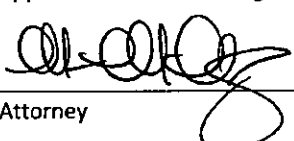
Date: 6/13/17

Commonwealth of Kentucky

  
\_\_\_\_\_  
Secretary  
Transportation Cabinet


Date: 6/20/17

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

  
\_\_\_\_\_  
Attorney

Date: 5/30/17

**RECEIVED**  
JUN 06 2017  
BY: \_\_\_\_\_

  
\_\_\_\_\_  
Mayor

Date: 6/2/17

RESOLUTION NO. 318 -2017

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH THE KENTUCKY TRANSPORTATION CABINET, AMENDING THE SCOPE OF WORK TO DESIGN AND RIGHT-OF-WAY ACTIVITIES ONLY AND INCLUDING THE DESIGNATION OF A PERSON IN RESPONSIBLE CHARGE FOR THE TOWN BRANCH TRAIL CROSSING AT OLD FRANKFORT PIKE AND MCCONNELL SPRINGS DRIVE PROJECT.

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 the Amendment to the Agreement, which is attached hereto and incorporated herein by reference, with the Kentucky Transportation Cabinet, amending the Scope of Work to design and right-of-way activities only and including the designation of a person in responsible charge for the Town Branch Trail Crossing at Old Frankfort Pike and McConnell Springs Drive Project.

Section 2 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 25, 2017

MAYOR



ATTEST:



CLERK OF URBAN COUNTY COUNCIL

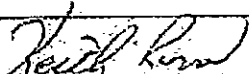
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**INTERIM FORM – TO BE COMPLETED UNTIL  
THIS INFORMATION CAN BE INCORPORATED INTO THE PROJECT MOA  
LFUCG  
TOWN BRANCH TRAILCROSSING CMAQ/ ITEM NO. 7-3702**

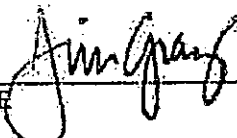
**PERSON IN RESPONSIBLE CHARGE**

Upon federal-aid project delegation to the RECIPIENT by the CABINET, the undersigned hereby certifies the following, to the best of his or her knowledge and belief, on behalf of the RECIPIENT:

1. Pursuant to 23 CFR 635.105(c) (4), the RECIPIENT acting as a subrecipient of federal transportation funds must provide an employee of that agency, who is available full time, to be in responsible charge of the PROJECT. The individual in responsible charge of the PROJECT is held accountable for ensuring that all applicable Federal and State regulations are followed on the PROJECT. This person will have the authority and resources to manage the PROJECT and will be the primary point of contact with the CABINET. This person may be the project engineer provided that the project engineer is a full-time employee of the RECIPIENT. If the project engineer is a consultant, the person in responsible charge must be a full-time employee of the RECIPIENT.
2. The undersigned and the designated RECIPIENT's person in responsible charge of this PROJECT has read and understands the contract administration and inspection responsibilities described in the CABINET's *Federal-Aid Highway Program Project Development Guide for Local Public Agencies (LPA Guide)*.
3. The undersigned will carry out this PROJECT in accordance with the applicable Federal and State laws and associated regulations identified in the LPA Guide.
4. The undersigned will enforce compliance with the above-mentioned laws, regulations, policies, and guidelines by its consultants, contractors, and subcontractors.
5. The undersigned certifies the designated person in responsible charge will:
  - Have the ability to visit the PROJECT or attend meetings related to the PROJECT as needed.
  - Be responsible for ensuring that the PROJECT is delivered on time in accordance with established milestones and the terms of the contract between the RECIPIENT and the CABINET.
6. In accordance with the requirements outlined above, RECIPIENT has selected the following individual as the person in responsible charge for the PROJECT:

Name: Keith Lovan, P.E.	Position with RECIPIENT: Municipal Engineering Senior
E-mail: <a href="mailto:KLovan@lexingtonky.gov">KLovan@lexingtonky.gov</a>	Phone: (859) 258-3478
Signature: 	

7. Should the RECIPIENT require a change to the Person in Responsible Charge, they will notify the CABINET, designate a new Person in Responsible Charge, and resubmit this form within 7 days of the change.


4/21/17  
 \_\_\_\_\_  
 Mayor/CJE Date