

AMENDMENT TO THE AGREEMENT BETWEEN
KENTUCKY TRANSPORTATION CABINET
AND THE
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
4TH STREET ENHANCEMENTS/LEGACY TRAIL PH 3
SC-628-1600005725/SYP ITEM # 7-3716

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 the Agreement entered into between the parties dated July 12, 2016.

WHEREAS, on July 12, 2016, the parties hereto entered into an agreement for the 4th Street Enhancements Project, and;

WHEREAS, the parties desire to amend said agreement;

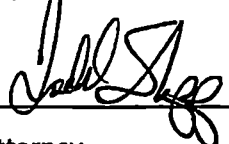
NOW THEREFORE, in consideration of the following promises and covenants contained herein the parties hereby agree as follows:

1. The Scope of work and Budget of Agreement numbered SC-628-1600005725 is hereby modified as shown on Attachment A;
2. All other terms and conditions of SC-628-1600005725 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

Date: 12/13/19

Commonwealth of Kentucky

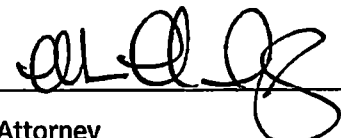


Secretary

Date: 12/20/19

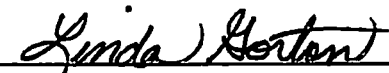
Lexington-Fayette Urban County Government:

Approved as to form & legality:



Attorney

Date: 12/8/19



Mayor

Date: 12/6/19

**ATTACHMENT A
SCOPE OF WORK AND BUDGET**

Scope of Work:

The scope of work of this project is amended to include the construction of the Legacy Trail Phase III. These two projects were originally awarded a separate CMAQ and TE award. As the projects are adjacent to each other, Lexington-Fayette Urban County Government is being permitted to combine the construction phases of the two projects into one federal project that will be constructed at one time.

Budget:

The Budget of this project is amended to add CMAQ construction funds in the amount of \$212,000 with the \$53,000 match being provided via land value.

		Federal Funds (CMAQ)	Federal Funds (TE)	Local Funds		Total
Original MOA Executed July 12, 2016	Design Phase Funding: LFUCG Program# 9161701D	\$120,000.00	-	\$30,000.00	-	\$150,000.00
	Design Phase Funding: Cabinet Program# 9161702D	\$2,000.00	-	-	\$400.00	\$2,000.00
Supplemental Agreement No. 1 (May 17, 2017)	Design Phase Funding: LFUCG Program# 9161701D	+\$8,800.00	-	+\$2,200.00	-	+\$11,000.00
	Design Phase Funding: Cabinet Program# 9161702D	+10,880.00	-	-	+\$2,160.00	\$10,880.00
Supplemental Agreement No. 2 (July 17, 2019)	Construction Phase Funding: LFUCG Program# 9161701C	+\$911,200.00	+\$2,045,838.00	+\$739,259.50	-	+\$3,696,297.50
	Construction Phase Funding: KYTC Program# 9161702C	+\$10,000.00	-	-	+\$2,000.00	+\$10,000/00
Supplemental Agreement No. 3 (Current)	Construction Phase Funding: LFUCG Program# 9161701C	+\$212,000.00	-	-	-	+\$212,000.00
Design Phase Total for LPA		\$128,880.00		\$32,200.00	-	\$161,000.00
Design Phase Total for Cabinet		\$12,880.00		-	\$2,560.00	\$12,880.00
Construction Phase Total for LPA		\$1,123,200.00	\$2,045,838.00	\$739,259.50	-	\$3,908,297.50
Construction Phase Total for Cabinet		\$10,000.00	-	-	\$2,000.00	\$10,000.00

ATTACHMENT B

ATTACH A RESOLUTION HERE

A resolution is required if funds are being added or removed from a project or the original terms and conditions are being altered.

RESOLUTION NO. 709 -2019

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 3 WITH THE KENTUCKY TRANSPORTATION CABINET, FOR THE ACCEPTANCE OF ADDITIONAL FEDERAL FUNDS IN THE AMOUNT OF \$212,000.00 FOR THE CONSTRUCTION PHASE OF THE FOURTH STREET CORRIDOR ENHANCEMENT PROJECT, THE ACCEPTANCE OF WHICH DOES NOT OBLIGATE THE URBAN COUNTY GOVERNMENT FOR THE EXPENDITURE OF FUNDS.

~~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 Supplemental Agreement No. 3, which is attached hereto and incorporated herein by reference, with the Kentucky Transportation Cabinet, for the acceptance of additional Federal funds in the amount of \$212,000.00 for the Construction Phase of the Fourth Street Corridor Enhancement Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

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

PASSED URBAN COUNTY COUNCIL: December 5, 2019



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL
1246-19:BGS-X-CASES\COMDEV\19-LE000\LEG\00673146.DOCX

Run Date: 11/12/2019
Run Time: 09:59:09

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID PROJECT MODIFICATION

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RECIPIENT: 21-Kentucky FEDERAL PROJECT NO: 3003322 NO: 5

RECIPIENT PROJ. NO(S): 07-03716.00

PROJECT TITLE: Fayette County - FOURTH STREET ENHANCEMENTS AND LEGACY TRAIL PHASE III
PROJECT DESCRIPTION: CONSTRUCT NEW SIDEWALKS, DRAINAGE IMPROVEMENTS, WAYFINDING AND SIGNAGE, AND STREET AND PEDESTRIAN LIGHTING ALONG 4TH STREET BETWEEN JEFFERSON AND UPPER STREETS AND TRAFFIC CALMING AT THE INTERSECTIONS OF 4TH AND JEFFERSON, 4TH AND BROADWAY, AND 4TH AND UPPER NEAR TRANSYLVANIA UNIVERSITY IN LEXINGTON. AND CONSTRUCT A MULTI-USE TRAIL, SIDEWALKS, SAFETY IMPROVEMENTS, SIGNAGE, LANDSCAPING AND AMENITIES BEGINNING AT THE ENTRANCE TO THE YMCA ON LOUDON AVE THROUGH FOURTH STREET, ELM TREE LANE TO THIRD STREET AND SHROPSHIRE TO THIRD STREET TERMINATING AT THE ISAAC MURPHY MEMORIAL GARDEN.

CLASSIFICATION OF PHASE OF WORK: CONSTR

THE PROJECT AGREEMENT FOR THE ABOVE REFERENCED PROJECT ENTERED INTO BETWEEN THE UNDERSIGNED PARTIES AND EXECUTED BY THE DIVISION ADMINISTRATOR ON 05/12/2016 IS HEREBY MODIFIED AS FOLLOWS:

PROGRAM CODE	FAIN	URBAN / WITH	FORMER AMOUNT	REVISED AMOUNT
H400	213003322H400	ESTIMATED TOTAL OF THE PROJECT	\$49,865.46	\$49,865.46
		FEDERAL FUNDS	\$40,865.46	\$40,865.46
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80%	80%
L22E	693JJ21930000L22EKY3003322	ESTIMATED TOTAL OF THE PROJECT	\$2,557,297.50	\$2,557,297.50
		FEDERAL FUNDS	\$2,045,838.00	\$2,045,838.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80%	80%
L400	213003322L400	ESTIMATED TOTAL OF THE PROJECT	\$134,014.54	\$134,014.54
		FEDERAL FUNDS	\$110,814.54	\$110,814.54
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80%	80%
M400	693JJ21930000M400KY3003322	ESTIMATED TOTAL OF THE PROJECT	\$1,139,000.00	\$1,404,000.00
		FEDERAL FUNDS	\$911,200.00	\$1,123,200.00
		ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
		PERCENT FEDERAL SHARE	80%	80%

RECIPIENT REMARKS:

Mod#5. Toll Credits total= \$2,576.00
eMARS#- 9161701D;9161702D;9161701C;9161702C KYTC#- 406
CFDA#- 20.205, Project End Date- 12/31/2020
OBLIGATE ADDITIONAL \$212,000 OF M400 FUNDS TO COVER THE LOW BID FOR THE PROJECT. LFUCG IS USING NON-MONETARY (LAND VALUE) MATCH OF \$53,000. LPA CONTRACT.
The State agrees that as a condition to payment of Federal funds obligated, it accepts and will comply with the agreement provisions set forth in 23 CFR 630.112; and its signature constitutes the making of certifications.
This agreement is subject to the following award terms: <http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf> and <http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>

DIVISION REMARKS:

Mod#1=6/9/16
Mod#2=6/24/16
MOD#3-7/7/16
MOD#4-4/26/17

ALL OTHER TERMS AND CONDITIONS OF THE PROJECT AGREEMENT WILL REMAIN IN FULL FORCE AND EFFECT.

EXECUTIVE OFFICE OF THE COMMONWEALTH OF KENTUCKY

AVAILABLE FUNDS CERTIFIED BY: Selena Curry DATE: 11/07/2019
APPROVAL RECOMMENDED BY: Erin Clouse DATE: 11/08/2019
APPROVED AND AUTHORIZED BY: Ronald Rigney DATE: 11/08/2019

Run Date: 11/12/2019
Run Time: 09:59:09

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID PROJECT MODIFICATION**

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FEDERAL HIGHWAY ADMINISTRATION

APPROVAL RECOMMENDED BY:	Thava Overstreet	DATE:	11/08/2019
APPROVED AND AUTHORIZED BY:	Thava Overstreet	DATE:	11/08/2019
MODIFICATION APPROVED BY:	Keenan Clarke	DATE:	11/09/2019