

**MINOR AMENDMENT TO THE TERMS OF
SUPPLEMENTAL AGREEMENT NO. 4
BETWEEN THE
COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS
AND THE
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
ITEM NO. 7-593
PO2-625-150000828**

WHEREAS, the Council of the Lexington-Fayette Urban County Government (LFUCG) passed Resolution No. 419-2015 on July 7, 2015 with regards to Supplemental Agreement No. 4 for continued funding of the Newtown Pike Extension Project, more fully identified above; and

WHEREAS, Item 7, Disputes, page 8 of said agreement allows for any proposed mutual change to the Agreement be at the mutual consent of the LFUCG and the Department (Department of Highways) be evidenced in writing; and

WHEREAS, Item 1, Supplemental 4 Design Funds, Section 1 (i), page 4 of said original agreement required payment of gap funding by KYTC through LFUCG to "either the construction lender or the construction lender and builder"; and

WHEREAS, both LFUCG and the Department acknowledge because of construction time constraints, permission was given to the Lexington Community Land Trust (LCLT) to pay said gap funds to said construction lender or the construction lender and builder instead of LFUCG:

THEREFORE THE PARTIES HEREBY CONSENT to the allow reimbursement to the LCLT instead of direct payment to the construction lender or the construction lender and builder. To that end, Supplemental Agreement No. 4, Item 1, Supplemental 4 Design Funds, Section 1(i) on page four of the original agreement is amended as follows:

(i) **\$407,000** An additional \$407,000 will be authorized for "gap" funding to reimburse the Lexington Community Land Trust, an amount equal to the difference between the lower appraised value and the higher cost to build for the 13 or 14 of the sixteen Phase I single family homes.

LFUCG and the Department, upon presentation of proper documentation of actual payment of said gap funds by the LCLT, mutually consent to reimburse the LCLT instead of the construction lender or the construction lender and builder for these costs.

IN TESTIMONY WHEREOF, the parties cause these presents to be executed by their respective authorized agents.

LEXINGTON FAYETTE URBAN
COUNTY GOVERNMENT

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS

Linda Gorton
Linda Gorton
Mayor, LFUCG

Greg Thomas
Greg Thomas
Secretary, KYTC

Date: 12/5/19

Date: 10/29/19

APPROVED AS TO FORM & LEGALITY

APPROVED AS TO FORM & LEGALITY

Melissa M. Murphy
Hon. Melissa M. Murphy
Department of Law

William Fogle
Hon. William Fogle
Office of Legal Services

Date: 12/4/19

Date: 10-24-19