

AMENDMENT TO THE AGREEMENT BETWEEN
KENTUCKY TRANSPORTATION CABINET
AND THE
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
TOWN BRANCH COMMONS CORRIDOR-VINE STREET AND TRANSIT CENTER (ZONE 2)
SC-628-1600003719
SYP ITEM # 07-03207.00

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 24, 2016.

WHEREAS, on June 24, 2016, the parties hereto entered into an agreement for the Town Branch Commons Corridor-Vine Street and Transit Center Project; and

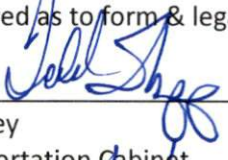
WHEREAS, the parties desire to amend said agreement;

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-628-1600003719 made and entered into by and between the Kentucky Transportation Cabinet (KYTC) and the Recipient, are hereby modified as outlined on Attachment A;
2. All other terms and conditions of SC-628-1600003719 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: 3/17/2020

Commonwealth of Kentucky



Jim Gray, Secretary
Transportation Cabinet

Date: 3/19/2020

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

Attorney

Date: _____



Mayor

Date: 3/10/2020

**ATTACHMENT A
SCOPE OF WORK AND BUDGET SUMMARY**

Scope of Work:

The scope of work for this project includes PE, design, environmental and construction of bike/ped facilities, pedestrian crossings and other pedestrian improvements at LEXTRAN Central Transit Center on Vine Street between Quality Street and Limestone.

This supplemental agreement modifies the scope of work and budget to include dedicated STP (SLX) funding in the amount of \$500,000 to cover an increase in construction costs.

Budget:

		Federal Funds (TAP)	Federal Funds (SLX)	Local Funds	Toll Credits	Total
ORIGINAL MOA (June 24, 2016)	Design Phase Funding: LFUCG Program# 9148801D	\$234,796.00	-	\$58,699.00	-	\$293,495.00
	Design Phase Funding: Cabinet Program# 9148802D	\$10,000.00	-	-	\$2,000.00	\$10,000.00
SUPPLEMENTAL AGREEMENT NO. 1 (CURRENT)	Construction Phase Funding: LFUCG Program# 9148801C	+\$2,495,418.00	-	+\$623,854.50	-	+\$3,119,272.50
	Construction Phase Funding: Cabinet Program# 9148802C	+\$249,542.80	-	-	+\$49,908.56	+\$249,542.80
SUPPLEMENTAL AGREEMENT NO. 2 (CURRENT)	Construction Phase Funding: LFUCG Program# 9148802C	-	+\$500,000.00	+\$125,000.00	-	+\$615,000.00
Design Phase Total for LFUCG		\$234,796.00	-	\$58,699.00	-	\$293,495.00
Design Phase Total for Cabinet		\$10,000.00	-	-	\$2,000.00	\$10,000.00
Construction Phase Total for LFUCG		\$2,495,418.00	\$500,000.00	\$748,854.50	-	\$3,744,272.50
Construction Phase Total for Cabinet		\$249,542.80	-	-	\$49,908.56	\$249,542.80

All federally-funded projects are set up in phases (design, ROW, utilities, construction). No work can begin on any phase of a project until the CABINET 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 expenditure 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 Administering Office thirty (30) days before the project end date.

ATTACHMENT B

ATTACH A RESOLUTION HERE

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

**ATTACHMENT C
PERSON IN RESPONSIBLE CHARGE FORM**

If the Person in Responsible Charge has changed since the execution of the original MOA, please attach a new form as Attachment C.

The form can be accessed at: <https://transportation.ky.gov/Program-Management/Documents/LPA1%20-%20Attach%203%20-%20Person%20in%20Responsible%20Charge%20Form.docx>.

If a new form is unnecessary, no Attachment C will be required with this Supplemental Agreement.

RESOLUTION NO. 120 - 2020

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 (TWO) WITH THE KENTUCKY TRANSPORTATION CABINET, FOR THE ACCEPTANCE OF ADDITIONAL FEDERAL GRANT FUNDS, WHICH GRANT FUNDS ARE IN THE AMOUNT OF \$500,000, UNDER THE TRANSPORTATION ALTERNATIVES PROGRAM (TAP), ARE FOR THE CONSTRUCTION PHASE OF THE TOWN BRANCH COMMONS TRAIL ZONE 2, THE ACCEPTANCE OF WHICH OBLIGATES THE URBAN COUNTY GOVERNMENT FOR THE EXPENDITURE OF \$125,000 AS A LOCAL MATCH, TO EXECUTE ALL NECESSARY DOCUMENTS REQUIRED FOR THE ACCEPTANCE OF THOSE FUNDS, 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 Supplemental Agreement No. 2 (Two) with the Kentucky Transportation Cabinet, for the acceptance of additional Federal grant funds, which Grant funds are in the amount of \$500,000 Federal funds, under the Transportation Alternatives Program (TAP), are for the Construction Phase of the Town Branch Commons Trail Zone 2, the acceptance of which obligates the Lexington-Fayette Urban County Government for the expenditure of \$125,000 as a local match and to execute all necessary documents required for the acceptance of those funds.

Section 2 - That subject to the provisions of Ordinance No. 22-79, the Mayor is hereby authorized, in her 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 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 5, 2020

Linda Gorton

MAYOR

ATTEST:

[Signature]
CLERK OF URBAN COUNTY COUNCIL

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

RECIPIENT: 21-Kentucky **FEDERAL PROJECT NO:** 4003008 **NO:** 5
RECIPIENT PROJ. NO(S): 07-03207.00
PROJECT TITLE: Fayette - Construct bike/ped facilities, pedestrian crossing, & bus charging stations at Lextran central transit center
PROJECT DESCRIPTION: Construct bike/ped facilities, pedestrian crossing, & bus charging stations at Lextran central transit center on Vine Street between Quality Street and Limestone in Lexington. (Town Branch Commons)
PROJECT END DATE: 12/31/2021
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 02/11/2016 IS HEREBY MODIFIED AS FOLLOWS:

PROGRAM CODE	FAIN	URBAN / WITH		FORMER AMOUNT	REVISED AMOUNT
M230	693JJ22030000M230KY4003008	144	ESTIMATED TOTAL OF THE PROJECT	\$0.00	\$625,000.00
			FEDERAL FUNDS	\$0.00	\$500,000.00
			ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
			PERCENT FEDERAL SHARE	0%	80%
M300	693JJ21930000M300KY4003008		ESTIMATED TOTAL OF THE PROJECT	\$20,000.00	\$20,000.00
			FEDERAL FUNDS	\$18,000.00	\$18,000.00
			ADV CONSTRUCTION FUNDS	\$0.00	\$0.00
			PERCENT FEDERAL SHARE	80%	80%
Z300	693JJ21930000Z300KY4003008		ESTIMATED TOTAL OF THE PROJECT	\$3,706,262.50	\$3,706,262.50
			FEDERAL FUNDS	\$1,696,812.39	\$1,696,812.39
			ADV CONSTRUCTION FUNDS	\$1,270,197.61	\$1,270,197.61
			PERCENT FEDERAL SHARE	80%	80%

RECIPIENT REMARKS:

Mod #5 Toll Credits total= \$4,000.00
 eMARS#- 9148801D;9148802D;9148801C;9148802C KYTC#- TAP;37
 Obligate \$500,000 (M230) funds to cover additional costs for the construction phase of the project (match provided by LFUCG). LPA contract. CFDA#- 20.205, Project End Date-12/31/2021
 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:

Toll credits- 200.00
 Project end date- 6/30/18

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: 01/29/2020
 APPROVAL RECOMMENDED BY: Erin Clouse DATE: 01/31/2020
 APPROVED AND AUTHORIZED BY: Selena Curry DATE: 02/03/2020

FEDERAL HIGHWAY ADMINISTRATION

APPROVAL RECOMMENDED BY: Thava Overstreet DATE: 02/03/2020
 APPROVED AND AUTHORIZED BY: Thava Overstreet DATE: 02/03/2020
 MODIFICATION APPROVED BY: Steven Jacobs DATE: 02/04/2020