

AMENDMENT TO THE AGREEMENT BETWEEN
KENTUCKY TRANSPORTATION CABINET
AND THE
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
TOWN BRANCH TRAIL COMMONS-MIDLAND SECTION
SC-628-1600005544
SYP ITEM # 07-03714.00

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 29, 2016.

WHEREAS, on June 29, 2016, the parties hereto entered into an agreement for the Town Branch Trail Commons-Midland Section 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-628-1600005544 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-628-1600005544 shall remain in effect.

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

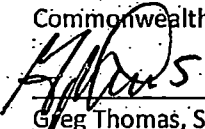
Kentucky Transportation Cabinet:
Approved as to form & legality:



Attorney
Transportation Cabinet

Date: 10/15/19

Commonwealth of Kentucky



Greg Thomas, Secretary
Transportation Cabinet

Date: 10/15/19

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



Attorney

Date: 9.17.19



Mayor

Date: 9/17/19

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

Scope of Work:

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. 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.

The scope of work for this project includes PE, environmental, design engineering, right-of-way, utilities and construction for bike/ped facilities from main Street/Midland Avenue to Third Street at Legacy Trail.

This supplemental agreement modifies the scope of work and budget to include construction activities and construction funding for the project.

Budget:

	Federal Funds (CMAQ)	Local Funds		Total
Original MOA (June 29, 2016)	Design Phase Funding: LFUCG Program# 9152901D	\$320,000.00	\$80,000.00	\$400,000.00
	Design Phase Funding: Cabinet Program# 9152902D	\$5,000.00	-	\$5,000.00
Supplemental Agreement No. 1 (May 17, 2017)	Time extension only. No funding changes made.			
	ROW Phase Funding: LFUCG Program# 9152901R	\$708,940.00	\$177,235.00	\$886,175.00
Supplemental Agreement No. 2 (May 21, 2018)	ROW Phase Funding: Cabinet Program# 9152902R	\$70,894.00	-	\$70,894.00
	Utilities Phase Funding: LFUCG Program# 9152901U	\$280,000.00	\$70,000.00	\$350,000.00
Supplemental Agreement No. 3 (CURRENT)	Utilities Phase Funding: Cabinet Program# 9152902U	\$28,000.00	-	\$28,000.00
	Construction Phase Funding: LFUCG Program# 9152901C	+\$3,891,060.00	+\$972,765.00	+\$4,863,825.00
	Construction Phase Funding: Cabinet Program# 9152902C	+\$389,106.00	-	+\$389,106.00
Design Phase Total for LFUCG	\$320,000.00	\$80,000.00	-	\$400,000.00
Design Phase Total for Cabinet	\$5,000.00	-	\$1,000.00	\$5,000.00
ROW Phase Total for LFUCG	\$708,940.00	\$177,235.00	-	\$886,175.00
ROW Phase Total for Cabinet	\$70,894.00	-	\$14,178.80	\$70,894.00
Utilities Phase Total for LFUCG	\$280,000.00	\$70,000.00	-	\$350,000.00
Utilities Phase Total for Cabinet	\$28,000.00	-	\$2,800.00	\$28,000.00
Construction Phase Total for LFUCG	\$3,891,060.00	\$972,765.00	-	\$4,863,825.00
Construction Phase Total for Cabinet	\$389,106.00	-	\$77,821.20	\$389,106.00

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.

RESOLUTION NO. 149 - 2019

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO ACCEPT A GRANT FROM THE KENTUCKY TRANSPORTATION CABINET, WHICH GRANT FUNDS ARE IN THE AMOUNT OF \$1,891,060.00 FEDERAL FUNDS, ARE FOR THE REMAINING PHASES OF THE TOWN BRANCH COMMONS TRAIL, UNDER THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM, THE ACCEPTANCE OF WHICH OBLIGATES THE URBAN COUNTY GOVERNMENT FOR THE EXPENDITURE OF \$524,000.00 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.

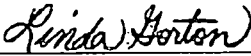
BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to accept a grant from the Kentucky Transportation Cabinet, which Grant funds are in the amount of \$1,891,060.00 Federal funds, are for the remaining Phases of the Town Branch Commons Trail, under the Congestion Mitigation and Air Quality (CMAQ) Program, the acceptance of which obligates the Lexington-Fayette Urban County Government for the expenditure of \$524,000.00 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 21, 2019



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL
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A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO ACCEPT ADDITIONAL FEDERAL GRANT FUNDS FROM THE KENTUCKY TRANSPORTATION CABINET, WHICH GRANT FUNDS ARE IN THE AMOUNT OF \$2,000,000.00, UNDER THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM, ARE FOR THE CONSTRUCTION PHASE OF THE TOWN BRANCH COMMONS TRAIL ZONE 1, THE ACCEPTANCE OF WHICH OBLIGATES THE URBAN COUNTY GOVERNMENT FOR THE EXPENDITURE OF \$500,000.00 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 accept additional Federal grant funds from the Kentucky Transportation Cabinet, which Grant funds are in the amount of \$2,000,000.00 Federal funds, under the Congestion Mitigation and Air Quality (CMAQ) Program, are for the Construction Phase of the Town Branch Commons Trail Zone 1, the acceptance of which obligates the Lexington-Fayette Urban County Government for the expenditure of \$500,000.00 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: September 12, 2019

Linda Gorton

MAYOR

ATTEST:

Adella

CLERK OF URBAN COUNTY COUNCIL

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PUBLISHED: September 19, 2019- It