

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT
LOUDON AVENUE WIDENING
SUPPLEMENTAL NO. 4 - \$65,000 SLX FUNDS

AGREEMENT BETWEEN
COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
DEPARTMENT OF HIGHWAYS
AND
THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
SUPPLEMENTAL AGREEMENT NO. 4

WHEREAS, the Lexington-Fayette Urban County Government (**LFUCG**) and the Department of Highways (**Department**) entered into an agreement on September 23, 2005 (C-05355724) wherein the **Department** was to make available to the **LFUCG** up to \$281,120 for design, \$200,000 for right-of-way acquisition, and \$270,400 for utility relocation in reimbursable federal surface transportation program funds dedicated to Lexington (SLX) for the widening of Loudon Avenue to three lanes from Oakhill Drive to Winchester Road in the City of Lexington in Fayette County (**Project**); and

WHEREAS, these same parties entered into a Supplemental Agreement No.1 on September 28, 2007 (C-0700012053) wherein the Lexington Metropolitan Planning Organization (MPO) allocated an additional \$3,655,000 in federal SLX funds for the construction phase of this **Project**; and

WHEREAS, these same parties entered into a Supplemental Agreement No. 2 on August 19, 2008 (C-05355724) wherein the Lexington MPO allocated an additional \$7,920 in federal SLX funds for the design phase, and transferred \$95,400 in federal SLX funds from the utility phase to the right-of-way phase of this **Project**; and

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WHEREAS, these same parties entered into a Supplemental Agreement No. 3 on September 11, 2009 (C-0700012053) wherein the Lexington MPO allocated an additional \$360,000 in federal SLX funds for the construction phase of this **Project**; and

WHEREAS, the actual costs to complete the construction phase of the **Project** were greater than originally anticipated; and

WHEREAS, the **Department** agrees this is a worthwhile **Project** and is willing to reimburse the **LFUCG** with an additional \$65,000 in reimbursable federal SLX funds for the completion of the construction phase of this **Project**.

NOW, THEREFORE, the **LFUCG** and **Department**, acting on behalf of the Kentucky Transportation Cabinet, do hereby mutually agree to this Supplemental Agreement No. 4 as follows:

1. The **Department** agrees to make available to **LFUCG** up to an additional \$65,000 in reimbursable federal SLX funds (surface transportation program funds dedicated to Lexington) to complete the Loudon Avenue widening to three lanes from Oakhill Drive to Winchester Road, listed in the Six-Year Highway Plan as Item Number 7-218.00.
2. The **LFUCG** shall be responsible to provide a local match of \$16,250 (20% of the total **Project** cost) to be eligible to receive the \$65,000 in federal SLX funding (80% of the total **Project** cost) of the overall **Project** cost. Any costs exceeding the total funding obligated by the **Department** for this **Project** shall be the responsibility of the **LFUCG**.

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3. The total federal SLX funding now made available by the **Department** to the **LFUCG** for this **Project** is \$4,839,440; \$289,040 for the design phase, \$295,400 for the right-of-way phase, \$175,000 for the utility phase, and \$4,080,000 for the construction phase.

4. All other terms and conditions of the original September 23, 2005 agreement (C-05355724), Supplemental Agreement No. 1 executed on September 28, 2007 (C-0700012053), Supplemental Agreement No. 2 executed on August 19, 2008 (C-05355724), Supplemental Agreement No. 3 executed on September 11, 2009 (C-0700012053) and any amendments to extend the **Project** duration shall remain the same and are legally binding.

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IN TESTIMONY WHEREOF, the parties have caused these presents to be executed by their officers thereunto duly authorized.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET


Jim Gray
Mayor

Michael W. Hancock
Secretary

Date: _____

Date: _____

APPROVED AS TO FORM & LEGALITY



Todd Shipp
Office of Legal Services

Date: 3/7/12