

ADDENDUM No. 1

**GRANT AGREEMENT UNDER THE
CONSOLIDATED APPROPRIATIONS ACT, 2016
(PUB. L. 114-113, DECEMBER 18, 2015)
FOR THE NATIONAL INFRASTRUCTURE INVESTMENTS
DISCRETIONARY GRANT PROGRAM
(FY 2016 TIGER DISCRETIONARY GRANTS)**

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TOWN BRANCH COMMONS CORRIDOR

FHWA FY 2016 TIGER Grant No. 7

SECTION 1. PURPOSE OF ADDENDUM

- a) The purpose of this addendum, Addendum No. 1 (the “Addendum”) to FHWA FY 2016 TIGER Grant No. 7 (“Grant Agreement”), is to obligate funds for Option Phase 1 and to recognize and accept revisions to the schedule and budget for the “Town Branch Commons Corridor” (“Project”).
- b) This Addendum will constitute a formal amendment to the Grant Agreement which was executed by the U.S. Department of Transportation, the Federal Highway Administration (the “Government” or “FHWA”) and Lexington-Fayette Urban County Government (the “Recipient”) (collectively the “Parties”). Except as modified, changed and supplemented by this Addendum, all terms and conditions of the original Grant Agreement shall continue in full force and effect.
- c) The following sets out the amendments to the referenced sections of the Grant Agreement:

SECTION 2. AMENDED ARTICLE 1 OF THE GRANT AGREEMENT

Article 1.6 of the Grant Agreement is amended and restated in its entirety and will read as follows:

1.6 Fund Obligation.

- (a) As described in Attachment A, this project consists of a Base Phase for Right of Way Acquisition and Utility Relocation in all Zones, and an Option Phase 1 for Zones 3, 4, 6, and 7 Construction.
- (b) This agreement obligates the Base Phase amount of **Eight Million Eighteen Thousand Dollars (\$8,018,000)** for eligible costs in the Base Phase.

(c) This agreement amendment obligates the Option Phase 1 amount of **Six Million Seventy-Seven Thousand Eight Hundred Eighty-Seven Dollars (\$6,077,887)** for eligible costs in Option Phase 1.

SECTION 3. AMENDED ARTICLE 2 OF THE GRANT AGREEMENT

a) Article 2.2 of the Grant Agreement is amended and restated in its entirety and will read as follows:

2.2 **Summary of Project’s Estimated Schedule** (See Attachment B for additional details).

Actual Completion of NEPA (Zone 6):	September 15, 2017
Actual Completion of NEPA (Zones 3, 4, and 7):	November 1, 2017
Actual Start ROW Acquisition (All Zones):	February 15, 2018
Actual End ROW Acquisition (All Zones):	July 31, 2019
Actual Start Utility Relocation (All Zones):	April 15, 2018
Actual End Utility Relocation (All Zones):	July 31, 2019
Actual Completion of Final Design (All Zones):	August 15, 2019
Planned PS&E Approval (All Zones):	August 30, 2019
Planned Construction Start Date (All Zones):	January 15, 2020
Planned Construction Substantial Completion and Open to Traffic Date:	October 1, 2021
Period of Performance End Date:	May 1, 2022
Planned Project Closeout Date:	March 1, 2023

b) Article 2.3 of the Grant Agreement is amended and restated in its entirety and will read as follows:

2.3 **Summary of Project’s Estimated Budget.** (See Attachment C for additional details).

TIGER Grant Funds and Additional Sources of Project Funds:

TIGER Discretionary Grant Amount	\$14,095,887	63.63%
Other Federal Funds ¹ :	\$ 1,060,000	4.79%
State Funds (if any):	\$ 0	0%

¹ This funding source includes \$626,000 in Transportation Alternatives Program (TAP) funding and \$434,000 in Congestion Mitigation and Air Quality (CMAQ) funding (including State forces cost). Match to TAP is included in local funds, State toll credits were used to match the CMAQ funding.

Local Funds ² :	\$ 6,995,406	31.58%
<u>Other Funds (if any):</u>	<u>\$ 0</u>	<u>0%</u>
Total Project Cost:	\$22,151,293	100%

SECTION 4. AMENDED ARTICLE 11 OF THE GRANT AGREEMENT

Article 11 of the Grant Agreement is amended and restated in its entirety and will read as follows:

- 11.1 As a condition for construction and operation of the Project, on August 30, 2018, the Recipient obtained a written easement, construction, and crossing license agreement with RJ Corman for work and operation within RJ Corman’s right-of-way. The agreement was completed on August 30, 2018.
- 11.2 There are no other special grant requirements for this project.

SECTION 5. AMENDED ATTACHMENT A OF THE GRANT AGREEMENT

Attachment A of the Grant Agreement is amended and restated in its entirety and will read as follows:

**ATTACHMENT A
STATEMENT OF WORK**

The project will construct a multimodal greenway through downtown Lexington, including a mixed-use trail, enhanced streetscaping, ADA enhancements to sidewalks and intersections, and safety enhancements, such as upgraded pedestrian signals, access control and mid-block crossing improvements.

The Project will consist of:

- i. a **Base Phase** for right-of-way (ROW) acquisition and utility relocation for all Zones for eligible costs reimbursable under Title 23 of the United States Code, and
- ii. an **Option Phase 1** for all Zones (3,4,6,7) for eligible construction costs reimbursable under Title 23 of the United States Code.

Commented [ACS1]: NOTE TO OST: Formatting revision to include the phasing of the project in this attachment.

The following activities will be completed as part of this project:

² The local funding source includes the TIGER area portion of \$10,000,000 bond authorization by Lexington Fayette Urban County Government (LFUCG) and \$1,854,113 in the Fiscal Year (FY) 2018 LFUCG budget. The remaining \$4,858,706 will be used in a non-TIGER area of the project (Zones 1 and 2).

Zone 6 activities:

Zone 6 includes right-of-way acquisition, utility relocation, and the construction of a multi-use asphalt trail, and on-street bike and pedestrian facilities. Other project elements include improved bike and pedestrian crossings, a bridge over Town Branch Creek, and reconstruction of a Town Branch Creek structure.

Design – Professional services for design and engineering of improvements.

Right-of-way Acquisition – Includes total take acquisition of ten parcels and minor easement acquisition for trail.

Utility – Includes the relocation of overhead utilities, including electric distribution and telecommunication facilities along KY 1681 to proposed right-of-way. It also includes the relocation of underground utilities for Town Branch Creek Structure Replacement, including sanitary sewer, gas distribution, water main, and telecommunications duct bank.

Paving – This encompasses all the work associated with the construction of the pavement including asphalt surface, asphalt base, leveling and wedging, milling and texturing, dense graded aggregate (DGA) and crushed stone base (CSB).

Roadway - This encompasses all the work associated with the construction of the roadway components including curb and gutter, pavement/sidewalk removal, earthwork, new sidewalks, bike paths, Maintenance of Traffic (MOT), erosion control, staking and pavers.

Drainage - This encompasses all the work associated with the construction of the pavement including asphalt surface, asphalt base, leveling and wedging, milling and texturing, DGA and CSB.

Bridge - This encompasses all the work associated with the construction of new structures including bridges and retaining walls.

Sewer - This encompasses all the work associated with the construction of the bio swales, rain gardens and sanitary sewer.

Signage - This encompasses all the work associated with the construction of the project roadway and wayfinding signage.

Signalization - This encompasses all the work associated with the construction of the new traffic and pedestrian signals on the project.

Lighting - This encompasses all the work associated with the construction of the roadway lighting items.

Landscaping - This encompasses all the work associated with the construction of the landscaping plans such as trees, plantings, planters, etc.

Miscellaneous - This encompasses all the work associated with miscellaneous items such as streetscape furniture, trash receptacles, benches, building removal, etc.

Mobilization/Demobilization - This encompasses all the work associated with the mobilization (activation of contractor's resources to the project site) and demobilization (removal of equipment and deactivation of resources) of the contractor on the project site.

Contingency - This encompasses all the work associated with contingency items which will cover bid units not currently known. It will be modified as the plans become more detailed.

Zones 3, 4, and 7 activities:

Zones 3 and 4 include construction of an urban streetscape providing separated and protected bike and pedestrian facilities. Project elements include improved bike and pedestrian crossings, new traffic signal locations, pedestrian activated traffic signals, green stormwater infrastructure, lighting, and landscaping.

Zone 7 includes the construction of a multi-use asphalt trail. Project elements include improved bike and pedestrian crossings, and improved rail signals.

Design – Professional services for design and engineering of improvements.

Right-of-way Acquisition – Includes minor easement, scope of acquisition dependent on alternative analysis in design phase.

Utility – Will involve valve adjustments and/or minor relocations to the following:

Zone 3 and 4:

- 16" Water line (Kentucky American Water)
- 24" Sanitary Sewer (LFUCG)
- Gas distribution line (Columbia Gas)
- Buried Electric Distribution (Kentucky Utilities)
- Buried Telephone (Windstream)

Zone 7: Will involve valve adjustments and/or minor relocations to the following:

- 12" Water line (Kentucky American Water)
- Sanitary Sewer (LFUCG)
- Gas distribution line (Columbia Gas)
- Overhead Electric Distribution (Kentucky Utilities)
- Buried Telephone (Windstream)

Paving – This encompasses all the work associated with the construction of the pavement including asphalt surface, asphalt base, leveling and wedging, milling and texturing, DGA and CSB

Roadway - This encompasses all the work associated with the construction of the roadway components including curb and gutter, pavement/sidewalk removal, earthwork, new sidewalks, bike paths, MOT, erosion control, staking and pavers.

Drainage - This encompasses all the work associated with the construction of the pavement including asphalt surface, asphalt base, leveling and wedging, milling and texturing, DGA and CSB.

Sewer - This encompasses all the work associated with the construction of the bio swales, rain gardens and sanitary sewer.

Signage - This encompasses all the work associated with the construction of the project roadway and wayfinding signage.

Signalization - This encompasses all the work associated with the construction of the new traffic and pedestrian signals on the project.

Lighting - This encompasses all the work associated with the construction of the roadway lighting items.

Landscaping - This encompasses all the work associated with the construction of the landscaping plans such as trees, plantings, planters, etc.

Miscellaneous - This encompasses all the work associated with miscellaneous items such as streetscape furniture, trash receptacles, benches, building removal, etc.

Mobilization/Demobilization - This encompasses all the work associated with the mobilization (activation of contractor's resources to the project site) and demobilization (removal of equipment and deactivation of resources) of the contractor on the project site.

Contingency - This encompasses all the work associated with contingency items which will cover bid units not currently known. It will be modified as the plans become more detailed.

SECTION 6. AMENDED ATTACHMENT B OF THE GRANT AGREEMENT

Attachment B of the Grant Agreement is amended and restated in its entirety and will read as follows:

ATTACHMENT B ESTIMATED PROJECT SCHEDULE

All Zones

Commented [RA2]: NOTE TO OST: The recipient selected two engineering firms to complete the design of the project components. One engineering firm completed the construction plans for Zones 3, 4, and 7. A second engineering firm completed the construction plans for Zone 6. All Zones are planned for letting at the same time and completion dates will remain as planned for all zones. Therefore, the schedule was amended to reflect how the project has been divided thus far and how efforts are expected moving ahead. The PS&E packages will be authorized for construction within one week of each other and this amendment will obligate the remaining TIGER funds for Option Phases 1.

Major Project Activity	Planned/Actual Start Date	Planned/Actual Completion Date
Preliminary Engineering	N/A	N/A
NEPA		
Zone 6	N/A	September 15, 2017
Zones 3,4,7	N/A	November 1, 2017
Final Design (Phase 1)		
Zone 6	N/A	N/A
Zones 3,4,7	December 9, 2016	August 16, 2017
Final Design (Phase 2): Zone 6		
Zone 6	September 15, 2017	August 15, 2019
Zones 3,4,7	November 6, 2017	July 31, 2019
Base Phase: Right-of-Way (ROW) Acquisition & Utility Relocation		
ROW Acquisition	February 15, 2018	July 31, 2019
Utility Relocation	April 15, 2018	July 31, 2019
Option Phase 1: Construction		
Planned PS&E Approval		
Zone 6	N/A	August 30, 2019
Zones 3,4,7	N/A	August 30, 2019
Planned Construction Contract Letting Date		
Zone 6	N/A	November 1, 2019
Zones 3,4,7	N/A	November 1, 2019
Planned Construction Start Date: All Zones	January 15, 2020	March 1, 2022
Paving	August 1, 2020	March 1, 2022
Roadway	January 15, 2020	March 1, 2022
Drainage	January 15, 2020	March 1, 2022
Bridge	July 15, 2020	March 1, 2022
Sewer	January 15, 2020	March 1, 2022
Signage	January 15, 2020	March 1, 2022
Signalization	December 15, 2021	March 1, 2022
Lighting	December 15, 2021	March 1, 2022
Landscaping	January 1, 2022	March 1, 2022
Miscellaneous	July 15, 2020	March 1, 2022
Mobilization/Demobilization	January 15, 2020	March 1, 2022
Contingency	October 1, 2021	March 1, 2022

Planned Construction Substantial Completion
and Open to Traffic Date:

October 1, 2021

Period of Performance End Date:

May 1, 2022

Planned Project Closeout Date:

March 1, 2023

SECTION 7. AMENDED ATTACHMENT C OF THE GRANT AGREEMENT

Attachment C of the Grant Agreement is amended and restated in its entirety and will read as follows:

**ATTACHMENT C
ESTIMATED PROJECT BUDGET**

ALL ZONES

Commented [RA3]: NOTE TO OST: The recipient selected two engineering firms to complete the design of the project components. One engineering firm completed the construction plans for Zones 3, 4, and 7. A second engineering firm completed the construction plans for Zone 6. The estimated project budget reflects how the ROW has been tracked based on these two packages. Moving ahead into construction all zones will be underway simultaneously. Therefore, the combined estimated project budget has been provided as to streamline tracking/reporting in the Option Phase 1.

Activity	FY16 TIGER Funds	Match to TIGER Funds ³	Other Federal Funds ⁴	Match to Other Federal Funds ³	Other Local Funds	Total Project Cost
Design	\$0	\$0	\$1,060,000	\$154,000	\$900,000	\$2,114,000
ROW						
Zone 6	\$5,200,000	\$1,300,000	\$0	\$0	\$0	\$6,500,000
Zones 3,4,6	\$320,000	\$80,000	\$0	\$0	\$0	\$400,000
Utility	\$740,000	\$185,000	\$0	\$0	\$0	\$925,000
Paving	\$636,873	\$159,218	\$0	\$0	\$0	\$796,091
Roadway	\$3,869,500	\$967,375	\$0	\$0	\$0	\$4,836,875
Drainage	\$976,986	\$244,246	\$0	\$0	\$0	\$1,221,232
Bridge	\$388,736	\$97,184	\$0	\$0	\$0	\$485,920
Sewer	\$48,000	\$12,000	\$0	\$0	\$0	\$60,000
Signage	\$65,200	\$16,300	\$0	\$0	\$0	\$81,500
Signalization	\$160,000	\$40,000	\$0	\$0	\$640,000	\$840,000
Lighting	\$162,800	\$40,700	\$0	\$0	\$0	\$203,500
Landscaping	\$83,208	\$20,802	\$0	\$0	\$0	\$104,010
Miscellaneous	\$317,272	\$79,318	\$0	\$0	\$0	\$396,590
Mobilization and Demobilization.	\$636,854	\$159,214	\$0	\$0	\$0	\$796,068
Contingency	\$490,458	\$122,615	\$0	\$0	\$1,777,434	\$2,390,507
Total:	\$14,095,887	\$3,523,972	\$1,060,000	\$154,000	\$3,317,434	\$22,151,293

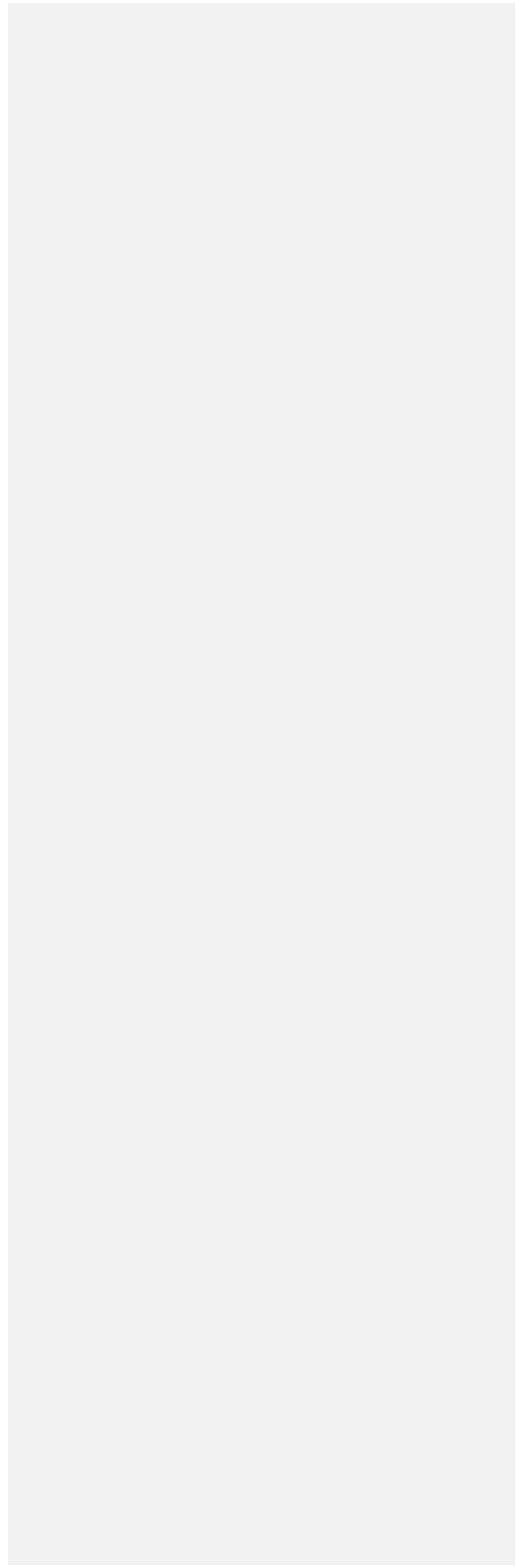
³ Lexington Fayette Urban County Government (LFUCG)

⁴ Congestion Mitigation Air Quality Program (CMAQ) funding and Transportation Alternatives Program (TAP) funding

SECTION 8. EXECUTION OF ADDENDUM

There are four (4) identical counterparts of this Addendum in typewritten hard copy; each counterpart is to be fully signed in writing by the parties and each counterpart is deemed to be an original having identical legal effect. When signed and dated by the authorized official of the Government, this instrument will constitute a formal amendment to the Grant Agreement. Except as modified, changed, and supplemented by this Addendum, all terms of the original Grant Agreement shall continue in full force and effect. Upon full execution of this Addendum by the Parties, the effective date will be the date the Government executes this Addendum as set forth below.

DRAFT

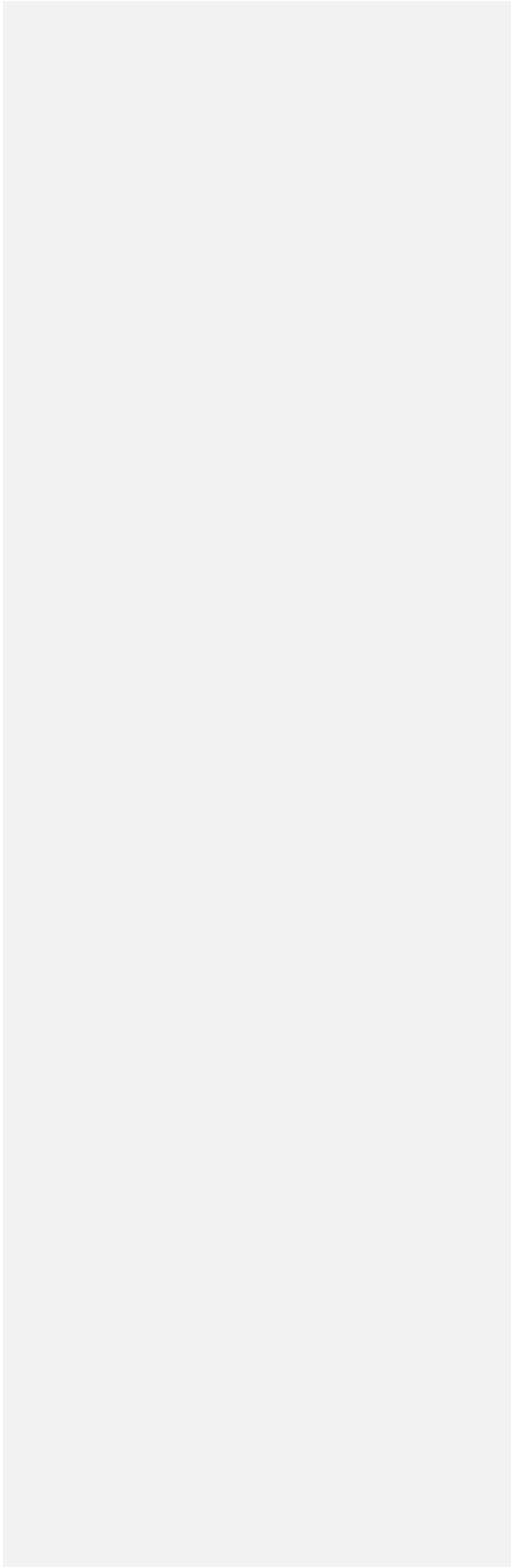


EXECUTION BY THE USDOT

Executed this _____ day of _____, 201__.

Steve Mills
Acting Division Administrator
FHWA Kentucky Division

DRAFT

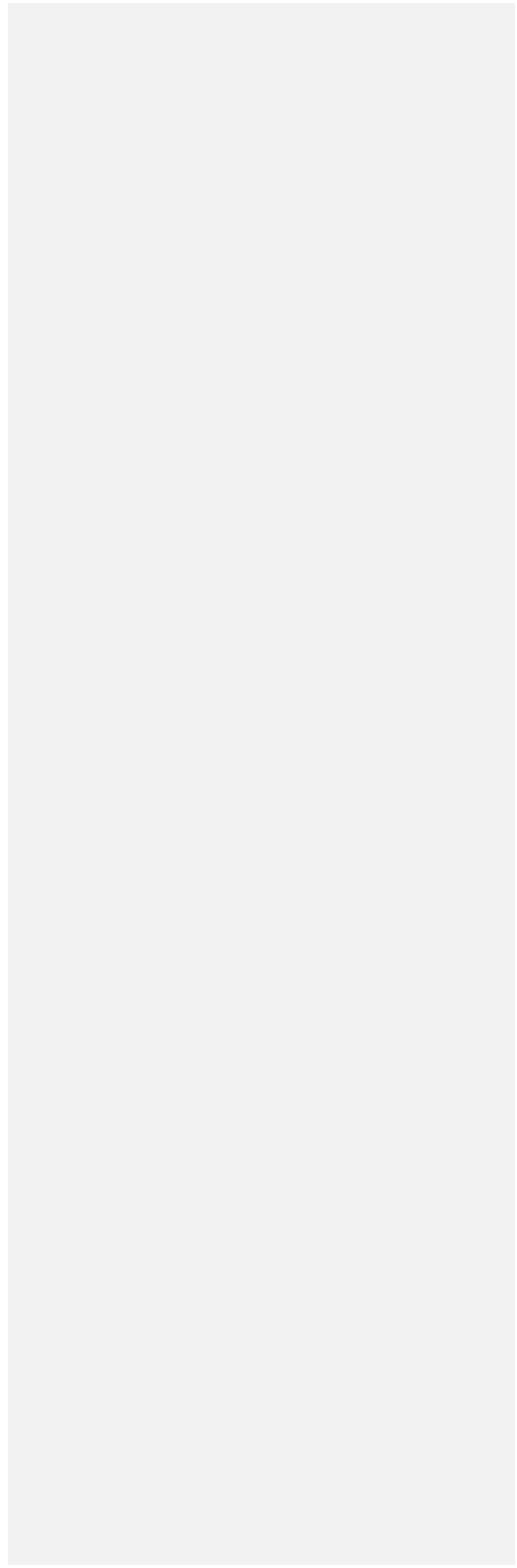


EXECUTION BY LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Executed this _____ day of _____, 201__.

Linda Gorton
Mayor
City of Lexington

DRAFT



EXECUTION BY KENTUCKY TRANSPORTATION CABINET

Executed this _____ day of _____, 201__.

Greg Thomas
Secretary
Kentucky Transportation Cabinet

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