

LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT  
BRIGHTON EAST TRAIL  
SYP ITEM NO. 7-228.00  
\$256,000 SLX FUNDS  
SUPPLEMENTAL NO. 2

**AGREEMENT BETWEEN  
COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
DEPARTMENT OF HIGHWAYS  
AND  
THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
SUPPLEMENTAL AGREEMENT NO. 2**

**WHEREAS**, the Lexington-Fayette Urban County Government hereinafter referred to as “**LFUCG**” and the Department of Highways hereinafter referred to as the “**Department**” entered into an agreement on January 24, 2005 (C-05031709 and 1000001796) wherein the **Department** was to make available to the **LFUCG** up to \$445,200 with a \$111,300 local match for the construction and utility work of the Brighton East Trail from Man O’ War Boulevard to Walnut Hill-Chilesburg Road listed as Item No. 7-228 in the Enacted Six-Year Highway Plan “**Project**”; and

**WHEREAS**, these same parties entered into a Supplemental Agreement No.1 on February 26, 2008 (C-05031709 and 1000001796) wherein the **Department** authorized an additional \$46,800 in federal SLX funds to complete the utility 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 \$256,000 in reimbursable federal SLX funds for the completion of the construction phase of this **Project**.

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**NOW, THEREFORE,** the **LFUCG** and **Department,** acting on behalf of the Kentucky Transportation Cabinet, do hereby mutually agree to this Supplemental Agreement No. 2 as follows:

1. The **Department** agrees to make available to **LFUCG** up to an additional \$256,000 in reimbursable federal SLX funds (surface transportation program funds dedicated to Lexington) to complete the **Project,** listed in the Highway Plan as Item Number 7-228. Phase I, Man O' War Boulevard to Pleasant Ridge Drive, is complete. The additional \$256,000 will be used for the construction phase of Phase II, Pleasant Ridge Drive to Walnut Grove Lane (Note: Walnut Hill-Chilesburg Road has been renamed to Walnut Grove Lane).
2. The **LFUCG** shall provide the local match of \$64,000 to be eligible to receive the \$256,000 in federal SLX funding.
3. The total federal SLX funding now made available by the **Department** to the **LFUCG** for this **Project** is \$748,000. Any costs exceeding the total funding obligated by the **Department** for this **Project** shall be the responsibility of the **LFUCG.**
4. All valid expenses since January 24, 2005 are eligible for state reimbursement and will remain so until three (3) years from the date of execution of this Supplemental Agreement No. 2. The **LFUCG** is responsible to meet all state requirements and adhere to all regulations necessary to qualify for the receipt of these funds. Any additional funding provided to the **LFUCG** or any ability to advertise for additional phases of work shall be approved in writing by the **Department** by a Supplemental Agreement.

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5. The **LFUCG** shall self-certify that all funding authorized on this **Project** has been used to reimburse for materials, equipment, or labor as intended and at the location agreed herein by both parties.
  
6. All other terms and conditions of the original January 24, 2005 agreement (C-05031709 and 1000001796) and Supplemental Agreement No. 1 executed on February 26, 2008 (C-05031709 and 1000001796) 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: 6/19/12