

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT NUMBER 190342 WITH THE TENNESSEE DEPARTMENT TRANSPORTATION FOR RESURFACING VARIOUS ROADS; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, on November 19, 2019, the board approved Resolution No.: 2020-083 authorizing the mayor to sign Local Agency Project Agreement Number 190342 with the Tennessee Department of Transportation for the resurfacing of various roads; and

WHEREAS, the original agreement is set to expire on October 31, 2024; and

WHEREAS, since that time it has been determined that in order to be eligible for reimbursement of funds spent, the contract date must be extended to cover the duration of construction, and, amendment number one to the contract will extend the completion date until May 15, 2025; and

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That Amendment 1 to the Local Agency Project Agreement Number 190342 with the Tennessee Department of Transportation for the resurfacing of various roads, to extend the project completion date to May 15, 2025, is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized to execute, in a form approved by the city attorney, and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, the Amendment 1 to the Local Agency Project Agreement Number 190342 with the Tennessee Department of Transportation for the resurfacing of various roads, to extend the project completion date to May 15, 2025, to deliver the agreement and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution said agreement being as follows:

Amendment Number:	1
Agreement Number:	190342
Project Identification Number:	129800.00
Federal Project Number:	STP-M-9108(51)
State Project Number:	82LPLM-F3-096

THIS AGREEMENT AMENDMENT is made and entered into this _____ day of _____, 20__ by and between the STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION, an agency of the State of Tennessee (hereinafter called the "Department") and the CITY OF KINGSPORT (hereinafter called the "Agency"), for the purpose of providing an understanding among the parties of their respective obligations related to the management of the project described as:

Moreland Drive, Meadow View Parkway, Fall Creek Road, Cooks Valley Road and Netherland Inn Road in Kingsport

1. The language of Agreement # 190342 dated December 3, 2019 Section B.2 a) is hereby deleted in its entirety.

2. The following is added as B.2 a) .

B.2 a) The Agency agrees to complete the herein assigned phases of the Project on or before **May 15, 2025**. If the Agency does not complete the herein described phases of the Project within this time period, this Agreement will expire on the last day of scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Agency and granted in writing by the Department prior to the expiration of the Agreement. An extension of the term of this Agreement will be effected through an amendment to the Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the expiration date of the Agreement will not be reimbursed by the Department.

All provisions of the original contract not expressly amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed by their respective authorized officials on the date first above written.

SECTION II. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the amendment that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION III. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 5th day of November, 2024.

PAUL W. MONTGOMERY, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY