

Amendment Number: 2
Agreement Number: 210040
Project Identification Number: 131034.00
Federal Project Number: N/A
State Project Number: 82956-3594-04

THIS AGREEMENT AMENDMENT shall be effective on the last date of signature (“Effective Date”), is entered into 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 between the parties of their respective obligations related to the management of the project described as:

"State Industrial Access Serving Eastman Chemical Company"

1. The language of Agreement # 210040 Amendment 1 dated November 14, 2022 Exhibit A is hereby deleted in its entirety and replaced with the attached Exhibit A for Amendment 1.
2. The language of Agreement #210040 dated April 6, 2022 Section E.2 Industry or Agency Termination is hereby deleted in its entirety.
3. The following is added as E.2 Industry or Agency Termination.

E.2 Industry or Agency Termination

a) Industry Termination

- 1) Should the industry terminate its plans to build the plant facility that is the basis of the Project as described herein, the Agency hereby agrees to reimburse the Department for all funds expended by the Department on the Project.
- 2) In addition, should the industry fail to complete its facility and operate the facility for a reasonable period of time, as defined by the Department, following the completion of the road, the Agency hereby agrees to reimburse the Department for all funds expended by the Department on the Project.

b) Agency Termination

1) Should the Agency elect to terminate its participation in the Project or otherwise elect not to proceed with the Project, the Agency hereby agrees to reimburse the Department for all funds expended by the Department on the Project.

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.

CITY OF KINGSPORT

Paul W. Montgomery, Mayor

**APPROVED AS TO
FORM AND LEGALITY**

Rodney B. Rowlett, III, Attorney

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

Will Reid, Commissioner

**APPROVED AS TO
FORM AND LEGALITY**

Leslie South, General Counsel

Steve Allen, Director, Local Programs & Community Investments Division

EXHIBIT "A" For AMENDMENT 2

AGREEMENT #: 210040

PROJECT IDENTIFICATION #: 131034.00

FEDERAL PROJECT #: N/A

STATE PROJECT #: 82956-3594-04

PROJECT DESCRIPTION: State Industrial Access Serving Eastman Chemical Company: The proposed improvement includes construction of a new access road (Meadow Park Lane) that ties into the existing Riverport Road and S Wilcox Road, approximately 2.34 miles. The typical section (proposed two 12' lanes with curb and gutter) will be determined as the project progresses.

TYPE OF WORK: New Construction

PHASE	FUNDING SOURCE	FED %	STATE %	LOCAL %	ESTIMATED COST
PE-DESIGN	SIA	0%	100%	0%	\$2,460,000.00
RIGHT-OF-WAY	SIA	0%	50%	50%	\$1,525,382.00
CONSTRUCTION	STA (GFT)	0%	100%	0%	\$23,000,000.00
CONSTRUCTION	SIA	0%	100%	0%	\$3,500,000.00
CONSTRUCTION	NON-PARTICIPATING	0%	0%	100%	\$259,912.00

INELIGIBLE COST: One hundred percent (100%) of the actual cost will be paid from Agency funds if the use of said state or federal funds is ruled ineligible at any time by the Federal Highway Administration.

TDOT ENGINEERING SERVICES (TDOT ES): In order to comply with all federal and state laws, rules, and regulations, the TDOT Engineering Services line item in Exhibit A is placed there to ensure that TDOT's expenses associated with the project during construction are covered. The anticipated TDOT expenses include but are not necessarily limited to Construction Inspection and Material and Testing Expenses (Quality Assurance Testing).

LEGISLATIVE AUTHORITY: SIA: Industrial Highway Act of 1959, TCA 54-5-401, et seq.

For federal funds included in this contract, the CFDA Number is 20.205, Highway Planning and Construction funding provided through an allocation from the US Department of Transportation.