

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING AMENDMENT 2 TO AGREEMENT NUMBER 210040 WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE STATE INDUSTRIAL ACCESS ROAD - MEADOW PARK LANE EXTENSION PROJECT

WHEREAS, on January 18, 2022, the board approved Resolution No. 2022-138 authorizing the application for and receipt of assistance from the Tennessee Department of Transportation pursuant to the state industrial access road program for the Meadow Park Lane extension project; and

WHEREAS, on November 1, 2022, the board approved Resolution No. 2023-104 for Amendment 1 to the agreement which was to provide for a portion of right-of-way acquisition in the area where Meadow Park Lane will intersect with Riverport Road; and

WHEREAS, staff recommends entering into Amendment 2, which deletes Exhibit A in its entirety and replaces Exhibit A to add construction non-participating in an estimated cost of \$259,912.00 to cover conduit and pole bases for street lighting infrastructure, and revises Section E.2 Industry or Agency Termination of the original agreement by deleting it in its entirety and replacing with updated language for this section of the agreement.

Now therefore,

BE IT RESOLVED BY THE CITY OF KINGSPORT BOARD OF MAYOR AND ALDERMEN:

SECTION I. That Amendment 2 to the local agency project agreement (No. 210040) with the Tennessee Department of Transportation for the Meadow Park Lane extension project 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, Amendment 2 to the agreement with the Tennessee Department of Transportation State for the Meadow Park Lane Extension State Industrial Access Road project, 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 amendment being generally as follows

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

[Acknowledgements Deleted for Inclusion in this Resolution]

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 19th day of May, 2026.

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PAUL W. MONTGOMERY, MAYOR

ATTEST:

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ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

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RODNEY B. ROWLETT, III, CITY ATTORNEY