

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT NUMBER 190070 WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE ISLAND ROAD IMPROVEMENTS AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, in May, 2019, the board approved Resolution No. 2019-186 which approved entering into Agreement No. 190070 with the State of Tennessee Department of Transportation ("TDOT") for the Island Road Improvements inside Kingsport City limits (the "Island Road Improvement Project"); and

WHEREAS, while the Island Road Improvement Project is still under design, the Agreement with TDOT expired on April 30, 2024 and to maintain eligibility for reimbursement of funds, the expiration date of the project must be extended to cover the remaining work associated with this project;

WHEREAS, this amendment will to extend the expiration date to December 31, 2026.

Now therefore,

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

SECTION I. That Amendment 1 to Agreement Number 190070 with the agreement with State of Tennessee Department of Transportation for the Island Road Improvement Project, is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed 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 1 to Agreement Number 190070 with the agreement with State of Tennessee Department of Transportation for the Island Road Improvement 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 as set out below:

Amendment Number:	1
Agreement Number:	190070
Project Identification Number:	128742.00
Federal Project Number:	STP-M-9108(49)
State Project Number:	82LPLM-F3-088

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:

Island Road, from SR-126 (Memorial Boulevard) to the Kingsport City Limits

1. The language of Agreement# 190070 dated June 17, 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 **December 31, 2026**. 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.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement set out herein 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 IV. 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 V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 21st day of January, 2025.

PAUL W. MONTGOMERY, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY