

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT 1 TO THE AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE BRICKYARD PARK BICYCLE PEDESTRIAN BRIDGE PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, on December 15, 2020, the board approved Resolution No.: 2021-107 authorizing the mayor to sign an agreement with the Tennessee Department of Transportation for the Brickyard Park Bicycle-Pedestrian Bridge Project; and

WHEREAS, the agreement has a completion date of December 31, 2025; and

WHEREAS, since that time, a time extension is needed to continue the design and right-of-way phases of the project; and

WHEREAS, the expected timeline for the construction of this project is now January 31, 2028.

Now therefore,

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

SECTION I. That Amendment 1 to the agreement with the Tennessee Department of Transportation for the Brickyard Park Bicycle-Pedestrian Bridge 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, an Amendment 1 to the agreement with the Tennessee Department of Transportation for the Brickyard Park Bicycle-Pedestrian Bridge 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:	1
Agreement Number:	200308
Project Identification Number:	131049.00
Federal Project Number:	STP-M-9108(52)
State Project Number:	82LPLM-F3-100

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 between the parties of their respective obligations related to the management of the project described as:

Brickyard Park Bicycle-Pedestrian Bridge

1. The language of Agreement # 200308 dated February 9, 2021, termini is deleted in its entirety and replaced with the following:

Brickyard Park Bicycle-Pedestrian Bridge, Cherokee Street at CSX Railroad

2. Exhibit A for Agreement # 200308 dated February 9, 2021, is hereby deleted in its entirety and replaced with the attached Exhibit A for Amendment 1.

3. The language of Agreement # 200308 dated February 9, 2021 Section B.2a is hereby deleted in its entirety.

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

a) The Agency shall complete the herein assigned phases of the Project on or before **January 31, 2028**. The Department shall have no obligation to reimburse the Agency for expenditures after the aforesaid completion date. An extension of the aforesaid completion date of this Agreement may on be effected by a written amendment to the Agreement, which has been executed and approved by the appropriate parties as indicated on the signature page of this Agreement. Otherwise, without an extension of the aforesaid completion date of this Agreement, the Department shall have no obligation to reimburse the Agency for expenditures after the aforesaid completion date.

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/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 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 2nd day of December, 2025.

PAUL W. MONTGOMERY, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY