

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT No. 190096 WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO EXTEND THE PROJECT DEADLINE FOR THE WEST END GREENBELT EXTENSION PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

WHEREAS, on June 27, 2019, the board entered into a Local Agency Project Agreement with the Tennessee Department of Transportation (TDOT)for the West End Greenbelt Extension Project; and

WHEREAS, since execution of the agreement the National Environmental Policy Act documentation has been completed, realignment of the proposed extension was designed to accommodate commercial development in the Lewis Lane and Port Drive area as well as for larger power poles, and additional survey work completed for the Port Drive area; and

WHEREAS, despite completion of these tasks additional time is needed to submit plans for right of way approval and acquisition, utility coordination, obtain TDOT approval of construction plans, and to let the contract for and complete construction; and

WHEREAS, it is in City's best interest to enter into an amend to the agreement with TDOT which will extend the completion date to December 31, 2027.

Now therefore,

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

SECTION I. That an amendment to the agreement with the Tennessee Department of Transportation (TDOT)for the West End Greenbelt 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, an amendment to the agreement with the Tennessee Department of Transportation (TDOT)for the West End Greenbelt Extension 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: 190096
Project Identification	Number:128784.00
Federal Project Number:	STP-M-9108(50)
State Project	Number:82LPLM-F3-092

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:

Kingsport Greenbelt Extension, SR-1 (West Stone Dr), from Lewis Ln through the Exit Ramp to Netherland Inn Road; Netherland Inn Rd, from the SR-1 Exit Ramp to Rotherwood Dr

1. The language of Agreement # 190096 dated June 27, 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, 2027**. 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.

[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 20th day of May, 2025.

PAUL W. MONTGOMERY, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY