

NORTH CAROLINA  
ORANGE COUNTY

**3<sup>RD</sup> SUPPLEMENTAL AGREEMENT**

DATE: 9/13/2018

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: EL-4828A

AND

WBS ELEMENTS: PE 40245.1.1

ROW

TOWN OF CARRBORO

CON 40245.3.3

FEDERAL-AID #: STPDA-0702(14)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$730,000

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Carrboro, hereinafter referred to as the "Municipality" and collectively known as the "Parties."

**WITNESSETH:**

WHEREAS, the Department and the Municipality on 10/26/2010, entered into a certain Project Agreement for the original scope: Design a multi-use pedestrian/bicycle path along Morgan Creek from Smith Level Rd west to the Weatherhill Pointe neighborhood and construct a multi-use pedestrian/bicycle path along Morgan Creek from Smith Level Rd west to the Berryhill neighborhood, including a creek crossing. The scope of work also includes flood studies for four creek crossings proposed to be included in the future full length of the greenway, which is proposed to extend from Smith Level Rd west to University Lake, programmed under Project EL-4828; and,

WHEREAS, the Parties have agreed to break the Project into two phases, Section A and B; and,

WHEREAS, in order to accommodate the Municipality's ability to deliver the Project, the Department will only program Phase 1 under EL-4828A and will allocate additional TAP-DA funding in the amount of \$730,000; and,

WHEREAS, the Department will delete Phase 2 – EL-4828B from the STIP and the Municipality will request funding for this Phase under a new project in the future;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

**1. SCOPE OF PROJECT**

EL-4828A: Construction of Morgan Creek Greenway Phase I: Southern Trail Section from SR 1919 (Smith Level Road) to Station 26+50; Northern Trail Section from SR 1919 (Smith Level Road) to Abbey Lane.

**4. FUNDING**

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse eighty percent (80) of eligible costs up to a maximum amount of One Million Two Hundred Fifty Four Thousand Dollars (\$1,254,000) in TAP-DA and STP-DA funds. The Municipality shall provide a local match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

**REVISED FUNDING TABLE**

<b>Fund Source</b>	<b>Federal Funds Amount</b>	<b>Reimbursement Rate</b>	<b>Non-Federal Match \$</b>	<b>Non-Federal Match Rate</b>
TAP-DA	\$730,000	80%	\$182,500	20%
STP-DA (10/26/10)	\$480,000	80%	\$120,000	20%
STP-DA (10/30/09)	\$4,000	80%	\$1,000	20%
STP-DA (3/20/08)	\$40,000	80%	\$10,000	20%
<b>Total Federal Amount: 1,254,000</b>			<b>Total Local Amount: \$313,500</b>	
<b>Total Estimated Cost</b>			<b>\$1,567,500</b>	

This Funding Table represents the total sum of funding that has been allocated to the Project for all eligible phases of work (design and construction) and may not represent the funding that is available at this date for reimbursement.

## **15. TIME FRAME**

The Municipality shall complete the work outlined in the agreement by December 31, 2021. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

## **23. OTHER PROVISIONS**

### **TITLE VI - CIVIL RIGHTS ACT OF 1964**

The «ShortName» shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

### **ENTIRE AGREEMENT**

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

Except as hereinabove provided, the Agreements heretofore executed by the Department and the Municipality on 3/20/2008, 10/30/2009, and 10/26/2010 and amended, are ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

TOWN OF CARRBORO

BY: *Fathima Dorank*

BY: *David Cochran*

TITLE: Town Clerk

TITLE: Town Mgr

DATE: 12-20-18

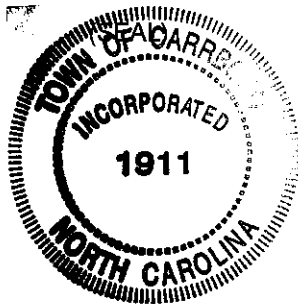
DATE: 12/20/18

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved the Town of Carrboro as attested to by the signature of *Fathima Dorank*  
Clerk of the Board of Aldermen (Governing Board) on 12-4-18

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

*[Signature]*  
(FINANCE OFFICER)



Federal Tax Identification Number  
56-6001194

Remittance Address:  
Town of Carrboro  
301 west main Street  
Carrboro, NC 27510

DEPARTMENT OF TRANSPORTATION

BY: *[Signature]*  
(CHIEF ENGINEER)

DATE: 1/22/19

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 10-11-18 (Date)