

NORTH CAROLINA  
MECKLENBURG COUNTY

**SUPPLEMENTAL AGREEMENT**

DATE: 10/29/2013

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: C-5225

AND

WBS ELEMENTS: PE 45441.1.1

ROW

MECKLENBURG COUNTY

CON 45441.3.1

OTHER FUNDING:

FEDERAL-AID #: CMS-1003(103)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$700,000

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 Mecklenburg County, hereinafter referred to as the "County."

**WITNESSETH:**

WHEREAS, the Department and Mecklenburg County, on 7/11/2011, entered into a certain Locally Administered Project Agreement for the original scope: construction of a 1.3 mile trail along Toby Creek from Rockland Drive to University City Boulevard to connect to existing greenway, UNCC Campus, and surrounding residential and retail areas, programmed under Project C-5225; and,

WHEREAS, the Department has programmed additional Transportation Enhancement (TE) funds with a state match and will extend the completion date; and,

WHEREAS, pursuant to SL 2013-183, the Department will provide the non-federal match for the TE funds for a limited time;

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

## **FUNDING**

The Department's original participation was \$1,448,000. The Department agrees to reimburse the County an additional \$700,000 (\$560,000 Federal Funds and \$140,000 State Match) of TE funds from the Bicycle and Pedestrian Division.

## **TIME FRAME**

The County, and/or its agent, shall complete pre-construction activities, to include Environmental Document, Right of Way Certification and final PS&E package, by 06/30/2014, in order to authorize construction funds prior to the end of Federal Fiscal Year (September 30, 2014). In the event funds are not authorized in FFY 2014, then the County will need to seek approval to reprogram both the CMAQ and the Enhancement funds in a future fiscal year.

Due to SL 2013-183, the Department is limited to providing the state match for the Federal Enhancement funds as long as the County authorizes the funds before the end of State Fiscal Year 2015 (June 30, 2015). If the funding is not authorized by June 30, 2015, the County forfeits the state match for the STP-EB funds, and will instead provide additional local funds to cover the non-federal match for the STP-EB funds. A supplemental Agreement will be required if funding is not authorized by June 30, 2015 to address changes to funding and delivery schedule

The County shall complete the Project by 06/30/2016. Completion for this Agreement is defined as completion of all construction activities, acceptance of the project, and submission of a final reimbursement package to the Department.

Except as hereinabove provided, the Agreement heretofore executed by the North Carolina Department of Transportation and Mecklenburg County on 7/11/2011, is 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 North Carolina Department of Transportation and Mecklenburg County by authority duly given.

ATTEST:

MECKLENBURG COUNTY

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

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.

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

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Remittance Address:

Mecklenburg County

\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)