



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Signature Copy

Resolution: R-EN-072-2016

File Number: RES-16:081

Enactment Number: R-EN-072-2016

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO APPROVE
SUPPLEMENTAL AGREEMENT 1 FOR THE BNSF RAILROAD OVERPASS (HWY. 18)
(JONESBORO)(P.E.) - JOB NO. 100824

WHEREAS, on February 11, 2015, the City of Jonesboro (hereinafter call the "City") entered into an Agreement of Understanding with the Arkansas State Highway and Transportation Department (hereinafter call the "Department") to use Transportation Investment Generating Economic Recovery (TIGER) VI Discretionary Grant funds for preliminary engineering related to the Project; and

WHEREAS, the original agreement did not specify responsibilities related to right of way acquisition, utility relocation, advertising, awarding a construction contract and construction inspection related to the Project; and

WHEREAS, both parties are prepared to move forward with these phases of the Project; and

WHEREAS, funding for these additional phases has been identified to be a combination of Federal, State, and Local funds; and

WHEREAS, it is now determined that the original Agreement of Understanding must be modified to include these phases.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: That the City of Jonesboro and the Arkansas State Highway and Transportation Department will accept and carry out the responsibilities and assigned duties specified in the attached Supplemental Agreement 1 in addition to those presented in the original Agreement.

Section 2. The Mayor and the City Clerk are hereby authorized by the City of Jonesboro to execute all documents necessary to effectuate this Supplemental Agreement.

PASSED AND APPROVED this 5th day of July, 2016.

Harold Perrin, Mayor

Date

7-7-16

ATTEST: Donna Jackson
Donna Jackson, City Clerk

Date 7/11/16

SUPPLEMENTAL AGREEMENT 1

BETWEEN

THE CITY OF JONESBORO

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

RELATIVE TO

Right of way acquisition and construction of **Job 100824, BNSF Railroad Overpass (Hwy. 18) (Jonesboro) (P.E.)** in Craighead County, (hereinafter called the "Project").

WHEREAS, on February 11, 2015, the City of Jonesboro (hereinafter called the "City") entered into an Agreement of Understanding with the Arkansas State Highway and Transportation Department (hereinafter called the "Department") to use Transportation Investment Generating Economic Recovery (TIGER) VI Discretionary Grant funds for preliminary engineering related to the Project; and

WHEREAS, the original agreement did not specify responsibilities related to right of way acquisition, utility relocation, advertising, awarding a construction contract and construction inspection related to the Project; and

WHEREAS, both parties are prepared to move forward with these phases of the Project; and

WHEREAS, funding for these additional phases has been identified to be a combination of Federal, State, and Local funds; and

WHEREAS, it is now determined that the original Agreement of Understanding must be modified to include these phases.

IT IS HEREBY AGREED that Jonesboro and the Department will accept and carry out the following responsibilities and assigned duties in addition to those presented in the original Agreement.

THE CITY WILL:

1. Coordinate with the Department with regards to utility relocation for the Project.
2. When requested, provide the Department with funding for right of way acquisition, utility relocation, construction and construction inspection for the Project; excluding improvements completed along Highways 18 and 63B.

THE DEPARTMENT WILL:

1. Be responsible for issuing a task order to a right of way consultant currently contracted with the Department for On-Call Right of Way Services to perform right of way acquisition for the Project.

2. Be responsible for managing the right of way acquisition for the Project.
3. Coordinate with the City with regards to utility relocation for the Project.
4. Request funds from the City prior to awarding a construction contract for the Project.
5. Advertise, award, and perform construction inspection for the Project.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the Project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this _____ day of _____, 2016.


**ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT**

Scott E. Bennett, P.E.
Director of Highways and Transportation

CITY OF JONESBORO



Harold Perrin
Mayor



Carol Duncan
City Attorney



Donna Jackson
City Clerk

**ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT
NOTICE OF NONDISCRIMINATION**

The Arkansas State Highway and Transportation Department (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ahtd.ar.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.