

COUNCIL ACTION FORM

SUBJECT: AMENDMENT TO TRANSPORTATION ENHANCEMENTS PROGRAM AGREEMENT
WITH IDOT FOR THE 2007/08 SHARED USE PATH SYSTEM EXPANSION
(BLOOMINGTON TO ADA HAYDEN)

BACKGROUND:

The City Council approved a Transportation Enhancements Program funding agreement with the Iowa DOT that provided reimbursement from IDOT for 80% of eligible costs up to a maximum of \$250,000. This funding is programmed to be used for the 2007/08 Shared Use Path System Expansion (Bloomington to Ada Hayden).

Throughout project development, additional MPO Transportation Enhancement funds were allocated to the project to increase the maximum reimbursement to \$320,000. This amendment reflects the increased maximum reimbursement.

ALTERNATIVES:

1. Amend the Transportation Enhancements Program agreement with IDOT for the 2007/08 Shared Use Path System Expansion (Bloomington to Ada Hayden)
2. Maintain current agreement without seeking additional reimbursement.

MANAGER'S RECOMMENDED ACTION:

This amendment will allow the City to be reimbursed for additional construction expenses. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.

**ADDENDUM
TO IOWA DEPARTMENT OF TRANSPORTATION
AGREEMENT 14-STPE-113
FOR A FEDERAL-AID PROGRAM PROJECT**

Recipient: City of Ames
Project Number: STP-E-0155(684)--8V-85
Iowa DOT Agreement Number: 14-STPE-113
Addendum Number: 14-STPE-113-A

This is an addendum to the agreement between the City of Ames (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department). Iowa Code Sections 306A.7 and 307.44, provide for the Recipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects on streets and highways in Iowa with Federal funds.

Whereas the Recipient and the Department previously entered into Agreement No. 14-STPE-113 for the above referenced project.

Subsequent to the execution of Agreement No. 14-STPE-113 it was determined that additional funds were to be obligated for the above reference project. Previously executed Agreement 14-STPE-113 shall remain in effect except as amended herein.

Now, therefore, it is agreed as follows:

1. The Recipient has received Federal funding through the Transportation Enhancements Program (TE), as described in Sections 1113 and 1122 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, which are hereinafter referred to as TE funds.
2. Paragraph 4 of Agreement 14-STPE-113 is stricken and replaced with the following:

The Recipient shall receive reimbursement for costs of authorized and approved eligible project activities from TE funds. The portion of the project costs reimbursed with TE funds shall be limited to a maximum of either 80 percent of eligible costs (other than those reimbursed with other Federal funds) or the amount listed (\$320,000) in the Ames Area Metropolitan Planning Organization current Transportation Improvement Program (TIP) and approved in the current Statewide Transportation Improvement Program (STIP), whichever is less. Eligible project activities will be as described in Sections 1113 and 1122 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and determined by the Department to be eligible.

3. This addendum is not assignable without the prior written consent of the Department.

4. If any part of this addendum is found to be void and unenforceable, the remaining provisions of this addendum shall remain in effect.
5. It is the intent of both parties that no third party beneficiaries be created by this addendum.
6. This addendum shall be executed and delivered in two or more copies, each of which so executed and delivered shall be deemed to be an original and shall constitute but one and the same addendum.
7. This addendum, as well as the unaffected provisions of previously executed Agreement No. 14-STPE-113 referenced herein, constitute the entire agreement between the Department and the Recipient concerning this project. Representations made before the signing of this addendum are not binding, and neither party has relied upon conflicting representations in entering into this addendum. Any change or alteration to the terms of this addendum shall be made in the form of a subsequent addendum. The addendum shall become effective only upon written approval of the Department and the Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed Addendum No. 14-STPE-113-A as of the date shown opposite its signature below.

RECIPIENT: City of Ames

By: _____ Date _____, 20____

Title: Mayor

CERTIFICATION:

I, _____, certify that I am the Clerk of the City, and that
(Name of City Clerk)

_____, who signed said Addendum for and on behalf of
(Name of Mayor/Signer Above)

the City was duly authorized to execute the same by virtue of a formal Resolution duly passed and adopted by the City, on the ____ day of _____, 20____.

Signed: _____

City Clerk of Ames, Iowa.

IOWA DEPARTMENT OF TRANSPORTATION

Planning, Programming and Modal Division

By: _____ Date _____, 20____

Craig Markley
Director
Office of Systems Planning