

RESOLUTION NO. \_\_\_\_\_

A resolution approving Amendment 2 to an Agreement by and between the State of Tennessee, Department of Transportation, and the Metropolitan Government of Nashville & Davidson County, acting by and between the Department of Transportation and Multimodal Infrastructure, for the acceptance of work in connection with the construction of a Complete Street on SR 1 (US 41, Murfreesboro Road) from I-24 Ramp to Foothill Drive, Federal Project No. STP-M-NH-1(372), State Project No. 19LPM-F3-152, PIN 125309.00, Prop. No. 2021M-026AG-001.

WHEREAS, the Metropolitan Council previously approved Agreement No. 160247, by and between the Tennessee Department of Transportation ("TDOT") and the Metropolitan Government of Nashville and Davidson County, acting by and the through the Metropolitan Nashville Public Works Department (now the Nashville Department of Transportation and Multimodal Infrastructure, "NDOT") through resolution, RS2017-634; and,

WHEREAS, Amendment 1 to Agreement No. 160247, approved by RS2020-384, replaced in its entirety, the language of the Agreement dated April 18, 2017 with the language of the Amendment 1; and,

WHEREAS, pursuant to Amendment 2, attached hereto, TDOT has agreed to extend the completion date from January 31, 2022 to May 31, 2024 due to the duration of time to complete the acquisition of right-of-way easement to be an estimated 12 to 14 months before construction can begin; and,

WHEREAS, Tennessee Code Annotated, Section 12-9-104(a)(2)(b), authorizes The Metropolitan Government of Nashville & Davidson County to enter into intergovernmental agreements with the State of Tennessee by resolution; and,

WHEREAS, it is in the interest of The Metropolitan Government of Nashville & Davidson County that this intergovernmental agreement be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Amendment 2 to the Agreement between the State of Tennessee, Tennessee Department of Transportation and the Metropolitan Government of Nashville and Davidson County, through the Nashville Department of Transportation and Multimodal Infrastructure, attached hereto as Exhibit A, and incorporated herein by reference, is hereby approved, and that the Metropolitan Mayor is authorized to execute the same.

Section 2. Any amendments, renewals, or extension of the terms of the agreement may be approved by resolution of the Metropolitan Council.

Section 3. That this resolution shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville & Davidson County requiring it.

RECOMMENDED BY:

DocuSigned by:

*Faye DiMassimo*

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Faye DiMassimo, Interim Director  
Department of Public Works

RECOMMENDED BY:

*Russ Bradford*

*Jed Spon*

*Brett A. Withers*

Member(s) of Council

*Zach Young*

*Jimmy Wild*

APPROVED AS TO AVAILABILITY  
OF FUNDS:

DocuSigned by:

*Kelly Flannery*

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Kelly Flannery, Director  
Department of Finance

APPROVED AS TO FORM  
AND LEGALITY:

DocuSigned by:

*Tara Ladd*

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Assistant Metropolitan Attorney



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

**JOHN COOPER**  
MAYOR

DEPARTMENT OF PUBLIC WORKS  
750 S. 5<sup>TH</sup> STREET  
NASHVILLE, TENNESSEE 37206

October 12, 2021

Ms. Kelly Flannery  
Director of Finance  
Metro Nashville and Davidson County

RE: Prop. No. 2021M-026AG-001, Resolution approving Intergovernmental Agreement with TDOT and Metro Government accepting Amendment 2 to TDOT Agreement No. 160247, Complete Street on SR 1 (US 41, Murfreesboro Road) from I-24 Ramp to Foothill Drive; Federal Project No. STP-M-NH-1(372); State Project No. 19LPM-F3-152; PIN 125309.00.

Ms. Flannery,

This resolution will approve Amendment 2 to Agreement No. 160247 between TDOT and the Metro Government changing the completion date from January 31, 2022 to May 31, 2024. The extension is needed to complete the right-of-way and construction phases by the May 2024 date.

Should you have questions regarding this amendment, please contact me at 615-862-8730 or 615-961-1105.

Sincerely,

A handwritten signature in blue ink that reads "Darrell K. Moore".

Darrell K. Moore  
Technical Specialist 1  
NDOT  
615-862-8730  
Darrell.Moore@nashville.gov

Amendment to Change Completion Date

**Amendment Number: 2**

**Agreement Number: 160247**

**Project Identification Number: 125309.00**

**Federal Project Number: STP-M-NH-1(372)**

**State Project Number: 19LPLM-F3-152**

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 METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY (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:

"SR-01 (US-41), From Ramp to I-24 Westbound to Foothill Drive"

1. The language of Agreement # 160247 dated July 24, 2020 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 **March 31, 2024**. 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.

**RECOMMENDED BY:**

**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION**

DocuSigned by:  
*Faye DiMassimo*  
BY: \_\_\_\_\_  
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Faye DiMassimo, Interim Director  
Nashville Department of Transportation

BY: \_\_\_\_\_  
Clay Bright  
Commissioner

**APPROVED AS TO AND  
AVAILABILITY OF FUNDS**

DocuSigned by:  
*Kelly Flannery*  
BY: \_\_\_\_\_  
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Kelly Flannery, Director  
Department of Finance

**APPROVED AS TO FORM AND  
LEGALITY**

BY: \_\_\_\_\_  
John H. Reinbold  
General Counsel

**APPROVED AS TO FORM AND  
LEGALITY**

DocuSigned by:  
*Tara Ladd*  
BY: \_\_\_\_\_  
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Metropolitan Attorney

**THE METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY**

BY: \_\_\_\_\_  
John Cooper  
Metropolitan County Mayor

**ATTEST**, this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

BY: \_\_\_\_\_  
Metropolitan Clerk

**APPROVED AS TO RISK AND  
INSURANCE**

DocuSigned by:  
*Balogun Cobb*  
BY: \_\_\_\_\_  
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Director of Insurance