

RESOLUTION 98- 05

**A RESOLUTION AUTHORIZING THE COUNTY JUDGE/EXECUTIVE
TO EXECUTE AGREEMENT WITH THE COMMONWEALTH OF
KENTUCKY TRANSPORTATION CABINET ON BEHALF OF THE
MADISON FISCAL COURT**

WHEREAS, the Commonwealth of Kentucky Department of Transportation and the Madison County Fiscal Court have entered into an agreement relating to surfacing of various roads in the County Road System; and

WHEREAS, the proposed Agreement together with its Attachment is attached hereto as Exhibit "A";

NOW, THEREFORE, BE IT HEREBY RESOLVED that:

1. The roads set forth in the attached Exhibit "A" are in the county road system.
2. The County Judge/Executive is hereby authorized to execute the Agreement on behalf of the Madison Fiscal Court.

DATE ADOPTED: 8-21-98

MOTION BY: Forniss R. Park

SECONDED BY: Larry Combs

VOTE:

YES

NO

Magistrate William Strong
Magistrate Peggy Rice
Magistrate Forniss Park
Magistrate Larry Combs
Judge Kent Clark

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Absent

Kent Clark
Madison County Judge/Executive

Attest:

Mary Jane Binter
County Clerk

AGREEMENT

This Agreement made by and between the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways (hereinafter called the Department) and the Madison County Fiscal Court (hereinafter called the Fiscal Court);

WITNESSETH:

WHEREAS, it would be to the benefit of the traveling public to place a bituminous surface on various county roads (See Attachment), which shall hereinafter be referred to as the Project; and

WHEREAS, the Fiscal Court has expressed its desire to perform the work for the aforementioned Project and to be responsible for all phases of the Project;

NOW THEREFORE, in consideration of these premises and the mutual covenants contained herein, the parties agree as follows:

1. The Department agrees to reimburse the Fiscal Court up to \$ 500,000 for completion of the work for the abovementioned Project, which shall represent the total obligation of the Department.
2. Any other costs necessary to accomplish the work for the project shall be borne by the Fiscal Court.
3. If the Project is performed by Contract, the Fiscal Court shall employ only contractors prequalified by the Kentucky Transportation Cabinet and shall comply with all legal bidding requirements including, but not limited to, the provisions of KRS 424.

EXHIBIT A

4. The Fiscal Court shall cause the Project to be constructed to a level which meets applicable county road and bridge standards (all bridges will be required to meet or exceed an H-20 loading); and all materials paid for by the Department used on, or incorporated into, the Project shall meet the requirements specified in the Department's Specifications for Road and Bridge Construction, Edition of 1998 State Specifications.

5. The Fiscal Court shall indemnify and hold harmless the Department and all of its officers, agents, and employees from all suits, actions, or claims of any character because of any injuries or damages received by any person, persons, or property resulting from construction of the Project.

6. The Fiscal Court shall maintain for a period of three (3) years all records of material, equipment, and labor costs involved in the performance of the work for the Project. In order to obtain reimbursement from the Department for construction of the Project, the Fiscal Court shall submit to the Transportation Cabinet's District Office in Lexington documented invoices of materials, equipment, and labor used on the Project.

7. The Fiscal Court may submit current billing reflecting the actual cost of construction during any given work period. This bill should indicate if it is for partial payment or final payment. The current billings will be paid within a reasonable time after receipt of same by the Department; however, in no event is the Fiscal Court to submit billings for work performed for less than a thirty-day (30) period.

8. The Department reserves the right to inspect the methods used in order to perform the work necessary to successfully complete the Project and also reserves the right to cease all work commenced under the terms of this agreement at any time.

9. The Fiscal Court will pass a resolution authorizing the County Judge/Executive to sign this agreement on behalf of the Fiscal Court and certifying the roads listed on the attachment are on the county maintained road system. A copy of this resolution shall be attached to and made a part of this agreement.

MADISON COUNTY FISCAL COURT



COUNTY JUDGE/EXECUTIVE

DATE August 21, 1998

COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET

JAMES C. CODELL, III
SECRETARY OF TRANSPORTATION CABINET

DATE _____

APPROVED AS TO FORM AND LEGALITY:

OFFICE OF GENERAL COUNSEL
TRANSPORTATION CABINET

DATE _____

MADISON COUNTY
VARIOUS COUNTY ROADS
BIT. SURFACING \$500,000

ATTACHMENT

1. Brookstown (CR 1058)
From: CR#1050 Stony Run Road
To: end at KY 1986
A distance of 5.70 miles.
2. Hackett Pike (CR 1061)
From: CR#1056 Peacock
To: end at KY 1986
A distance of 3.10 miles.
3. Concord (CR 1009)
From: KY 374
To: KY 52
A distance of 3.40 miles.
4. Blue Lick (CR 1147)
From: KY 1016
To: end of county maintenance
A distance of 2.90 miles.
5. Johnson (CR 1148)
From: CR#1146 Short Line Pike
To: 0.70 mile
A distance of 0.70 mile.
6. Smith Lane (CR 1187)
From: KY 1016
To: 1.50 miles
A distance of 1.50 miles.
7. Fourmile (CR 1065)
From: Richmond City Limit
To: KY 374
A distance of 4.35 miles.
8. Glades Road
Highway 1016
Reconstruction of Intersection