

Tree Replacement Agreement

Eastern Parkway 48" Transmission Main Rehabilitation Project – Phase 1

This Agreement is made by and between,

Louisville/Jefferson County Metro Government Parks and Recreation Department

PO Box 37280

Louisville, Kentucky 40233

the "Parks"

And

Louisville Water Company

550 South Third Street

Louisville, Kentucky, 40202

the "COMPANY"

RECITALS

A. The project is known as; Eastern Parkway 48" Transmission Main Rehabilitation Project – Phase 1, located and beginning on Eastern Parkway at Beargrass Creek, proceeding east past Bardstown Road, then north on Willow Avenue, east on Cherokee Parkway and east on Grinstead Drive, ending at Cherokee Park before Lexington Road, known as the "Improvement"

B. The Company's improvements make it necessary to rehabilitate the existing 48" transmission main using a method of sliplining part of the existing pipe and replacement with open trench excavation.

C. The Improvement makes it necessary and unavoidable to remove certain trees located in the Eastern Parkway Right of Way.

D. EXHIBIT I, included with this document, includes the Parks Tree Replacement Table

WITNESSETH

In consideration of the premises contained herein, the parties agree as follows:

1. The Company agrees to cut and remove all trees within the project limits, as necessary to complete the Improvement.

2. Parks agrees to replant trees in locations according to historical planting plans for Eastern Parkway and surrounding area with their choice of caliper, species and spacing. Maintenance for the trees will also be the responsibility of Parks.
3. The trees necessary to complete the project are listed in Exhibit I as, To Be Removed (TBR) and May Be Disturbed (MBD). These trees are approved for removal and/or disturbance as shown in Exhibit I and correspondingly referred to in the construction plans.
4. Any variance or changes to trees removed/disturbed per Exhibit I shall be approved by Metro Parks prior to removal or disturbance.
5. The Company will reimburse Metro Parks for actual trees removed, upon completion of the Improvement, by summing the replacement values assigned to each tree removed (per the Replacement Chart shown in Exhibit I), then multiplying by \$250, not to exceed \$50,000.
6. The Tree Replacement Ratio (Total Trees Replanted / Total Trees Removed) shall be minimum 3:1. This means each tree removed will be replaced according to historical planting plan for Eastern Parkway and an additional two trees will be planted within the Parks system as determined by Parks.

Tree Replacement Agreement

LWC Project No. 14321

IN TESTIMONY WHEREOF witness the signatures of Metro Parks and the Company, duly authorized by the appropriate body of each, as of this

day of _____, 2016

Louisville Metro Parks:

By: _____

Title: _____

Date: _____

Accepted for LOUISVILLE WATER COMPANY

By: _____

Date: _____

Attest: _____

Date: _____

APPROVED AS TO FORM AND

LEGALITY

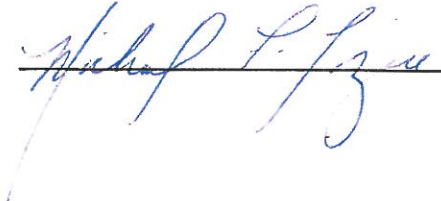


EXHIBIT I

Eastern Parkway 48-Inch Transmission Main rehabilitation - Phase 1 Metro Parks Tree Replacement Table

9/1/2016

Legend: DBH - Diameter at Belt height (inches)
 TBR - To Be Removed
 MBR - May Be Disturbed

Notes: Stations below correspond to the push/pull pits / trench excavations per construction plans
 Sheet numbers below correspond the sheet numbers in the construction plans

		DBH (inches)	Species	TBR	MBD	Replacement Value
Sheet 4	Sta. 137+60	1	Willow Oak	1		1
		20	White Ash	1		5
		1	Tulip Poplar	1		1
		1	Red Maple	1		1
		1	Sweet Gum	1		1
		1	White Oak	1		1
		1	Hills Oak	1		1
		1	Hills Oak	1		1
	Sta. 142+75	18	Swamp White Oak	1		4
	Sta. 148+15	6	Overcup Oak	1		3
30		Silver Maple	1		6	
1		Burr Oak	1		1	
20		Silver Maple		1	5	
Sheet 5	Sta. 153+40	3	Chestnut Oak	1		1
		30	Sweet Gum	1		6
		12	Tree	1		4
		3	Tree	1		1
		8	American Basswood	1		3
		9	Spring Cherry		1	3
	Sta. 157+20	28	Swamp White Oak	1		6
		24	Silver Maple	1		5
		2	American Holly		1	1
		16	Chinese Magnolia		1	4
18		Cherrybark Oak		1	4	
8		Pecan		1	3	
Sta. 163+80	30	Silver Maple	1		6	
	18	Ohio Buckeye	1		4	
	9	Silver Maple		1	3	
Sheet 7	Sta. 186+55	60	Swamp White Oak	1		6
		2	Juniper		1	1
Sta. 190+40	5	Chestnut Oak	1		2	
	3	Shumard Oak	1		1	
Sta. 193+75	1	Burr Oak	1		1	
Sta. 195+55	7	Chinkapin Oak	1		3	
Sheet 8	Sta. 200+00	30	Tree	1		6
	Sta. 204+80	36	Tree		1	6
		20	Tree		1	5
		24	Tree		1	5
	Sta. 210+70	32	Hackberry		1	6

Sheet 9	Sta. 214+80	24	Tree		1	5
	Sta. 215+25	18	Tree		1	4
	Sta. 217+10	40	Tree	1		6
		14	Tree		1	4
		8	Tree		1	3
		8	Tree		1	3
	Sta. 220+50	8	Tree	1		3
		8	Tree	1		3
		36	Tree	1		6
		24	Tree		1	5
	Sta. 224+20	26	Tree	1		6
		4	Tree	1		2
		26	Tree		1	6
38		Tree		1	6	
Sheet 10	Sta. 230+50	5	American Sycamore	1		2
		6	Tree	1		3
		6	Tree	1		3
		9	Tree		1	3
	Sta. 236+70	26	Tree	1		6
		12	Tree	1		4
		14	Tree	1		4
		14	Tree	1		4
Sheet 11	Sta. 247+00	11	Maple	1		4
		18	Gum		1	4
		18	Gum		1	4
		14	Gum		1	4
	Sta. 248+00	6	Maple	1		3
		11	Maple	1		4
		2	Tree	1		1
		2	Tree	1		1
		10	Shrub	3		1
		5	Shrub	1		1
		12	Tree	1		4
		10	Tree	1		3
		8	Cedar		1	3
		6	Shrub		1	1
Grand Total				50	26	255
Replacement Values				154	101	255
Tree Replacement Ratio				3.08	3.88	

Replacement Chart					
DBH (low)	DBH (high)	Replacement Value	TBR	MBD	
1	3	1	17	2	
4	5	2	3	0	
6	10	3	9	8	
11	18	4	9	7	
19	24	5	2	5	
25	Greater	6	10	4	
			50	26	