

Louisville Metro Council City Agency Request
Neighborhood Development Fund (NDF)
■ Capital Infrastructure Fund (CIF)
Municipal Aid Program (MAP)
Paving Fund (PAV)

Primary Sponsor: Councilwoman Nicole George

Amount: \$48,600

Date: 02/28/2020

Description of program/project including public purpose, additional funding sources, location of project/program and any external grantee(s):

Funding for the Phillips Lane sidewalk project that will provide connectivity from Preston Hwy to Crittenden Dr.

City Agency: Public Works

Contact Person: Steve Kurowsky

Agency Phone: (502) 574-8743

I have reviewed this request for an expenditure of city tax dollars, and have determined the funds will be used for a public purpose and have the attached documentation from the receiving department concerning the project/expenditure.

21

District #


 Council Member Signature

\$48,600

Amount

02/28/2020

Date

Approved by: _____
 Appropriations Committee Chairman Date

Clerk's Office & OMB Use Only:

Request Amount: _____ Amended Amount: _____

Reference #: CIF 03/120 PW21A To OMB: _____

Budget Revision #: _____

Account #: _____

To Project Manager: _____ Completion Date: _____

Actual Cost: _____ Funds Returned: _____

NDF, CIF, MAP OR PAV INTERAGENCY CHECKLIST

Interagency Name: Public Works

Program/Project Name: Phillips Lane Sidewalk Project

	Yes/No/NA
Request Form: Is the Request Signed by all Council Member(s) Appropriating Funding?	Yes
Request Form: If matching funds are to be used, are they disclosed with account numbers in the request form description?	NA
Request Form: If matching funds are to be used, does the amount of the request exclude the matching fund amount?	NA
Request Form: If other funds are to be used for this project, are they disclosed with account numbers in the request form description?	NA
Funding Source: If CIF is being requested, does Metro Louisville own/will own the real estate, building or equipment? If not, the funding source is probably NDF.	Yes
Funding Source: If CIF is being requested, does the project have a useful life of more than one year? If not, the funding source is probably NDF.	Yes
Ordinance Required: Is the NDF request to a Metro Agency greater than \$5,000? If so, an ordinance is required.	NA
Ordinance Required: Is the request a transfer from NDF to cost center? If so, is the amount given for the fiscal year \$25,000 or less?	NA
Supporting Documentation: Does the attachment include a valid estimate and description of cost?	Yes

Submitted by: Rachel Roarx, District 21, Legislative Aide

Date: 02/28/2020

**MEMORANDUM OF AGREEMENT
BETWEEN**

Louisville/Jefferson County Metro Government

AND

The Commonwealth of Kentucky, acting by and through its Kentucky State Fair Board

AND

**The Louisville and Jefferson County
Visitors and Convention
Commission d/b/a Louisville Tourism**

THIS AGREEMENT, made and entered into as of this 11th of November, 2019 by and between Louisville/Jefferson County Metro Government, acting by and through its Department of Public Works and Assets (hereinafter referred to as "Metro"), the Commonwealth of Kentucky, acting by and through its Kentucky State Fair Board ("Fair Board") and the Louisville and Jefferson County Visitors and Convention Commission d/b/a Louisville Tourism ("Louisville Tourism").

WITNESSETH:

Whereas, the Phillips Lane Walkability Study ("Study") was conducted in partnership with Center for Neighborhoods, the Louisville Metro Council, Louisville Tourism, area businesses and neighbors in April 2014 and highlighted opportunities for improvement and provided recommendations in the areas of connectivity, ADA compliance, lighting, and quality of life elements along Phillips Lane;

Whereas, the Study was a catalyst for the parties to seek promotion of safe and pleasant mobility along Phillips Lane in the vicinity of the Kentucky State Fair and Exposition Center through this sidewalk improvement project (hereinafter referred to as "the Project");

Whereas, the parties believe, further, that endeavoring to pursue upgrades to lighting, landscaping and further pedestrian accommodations are critical to safe mobility along this road segment;

Whereas, the Fair Board and Louisville Tourism have agreed to provide funding to Metro for the Project;

Whereas, the parties wish to enter an agreement whereby Metro shall perform the work for the Project;

Now therefore, in consideration of the mutual promises and covenants contained herein, it is mutually understood and agreed by the parties as follows:

A. Scope and Payment:

1. Metro agrees to perform the services described as follows:

- a) Assign staff to serve on the project team;
- b) Will work with the other parties hereto to provide guidance on all potential safe mobility enhancements including but not limited to lighting and landscaping;;
- c) Provide guidance regrading AASHTO, NACTO, MUTCD, and other transportation related standards;
- d) Provide maintenance and operations of the Project upon completion;
- e) Operate and maintain the Project at Metro's cost after construction;
- f) Procure design services for the Project;
- g) Procure contractor for the construction/implementation of the Project;
- h) Manage the design and construction/implementation of the Project;
- i) Include Metro staff as part of the Project Team;
- j) Provide the Fair Board and Louisville Tourism periodic updates regarding the Project;
- k) Allow the Fair Board and Louisville tourism opportunities for review and input regarding the Project;

2. The Fair Board agrees to provide funding as follows in the amount of ONE HUNDRED FIFTY TWO THOUSAND DOLLARS (\$152,000.00) to be paid within thirty (30) days of the execution of this Agreement.

3. Louisville Tourism agrees to provide funding as follows in the amount of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) to be paid within thirty (30) days of the execution of this Agreement.

4. Metro shall, subject to approval of its Louisville Metro Council, provide funding in the amount of SEVENTY THREE THOUSAND DOLLARS (\$73,000.00) to be spent exclusively for completion of the Project.

4. Upon completion of the Project, Metro shall provide the other parties with a detailed report of the Project's cost in a form mutually agreed upon by each party hereto. If the costs of the Project are less than the total amounts for same as herein allocated, Metro shall refund to each party its proportional share of that party's contribution or, in the alternative and subject to the written agreement of the parties, use those remaining funds to perform further improvements which may include but not be limited to landscaping and/or lighting. If costs for the Project are estimated to exceed total amount of contributions to be made hereunder, the parties shall endeavor to allocate further funding or, in the alternative, Metro shall amend the scope of the Project as agreed to among the parties, whose consent shall not be unreasonably withheld.

B. Conflict of Interest: The parties certify, by the signatures of duly authorized representatives on this Agreement, that they are legally entitled to enter into this Agreement and that they shall not be violating, either directly or indirectly, any conflict of interest statute of the Commonwealth of Kentucky by the performance of this Agreement.

C. Entire Agreement: This Agreement is the entire agreement and understanding of the parties with respect to the subject matter set forth herein and this Agreement supersedes any and all prior and contemporaneous oral or written agreements or understandings between the parties relative thereto. No representation, promise, inducement, or statement of intention has been made by the parties that is not embodied in this Agreement. This Agreement cannot be amended, modified, or supplemented in any respect except by a subsequent written agreement duly executed by all of the parties hereto.

D. Successors: This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

E. Severability: If any court of competent jurisdiction holds any provision of this Agreement unenforceable, such provision shall be modified to the extent required to make it enforceable, consistent with the spirit and intent of this Agreement. If such a provision cannot be so modified, the provision shall be deemed separable from the remaining provisions of this Agreement and shall not affect any other provision hereunder.

F. Counterparts: This Agreement may be executed in counterparts, in which case each executed counterpart shall be deemed an original and all executed counterparts shall constitute one and the same instrument.

G. Term and Termination: This Agreement shall begin on the Effective Date and shall end when the obligations to be performed hereunder have been completed. This Agreement may be amended only by written instrument executed by all of the parties hereto.


WITNESS the agreement of the parties hereto by their signatures affixed hereon.

APPROVED AS TO FORM AND
LEGALITY:


MICHAEL J. O'CONNEL
JEFFERSON COUNTY ATTORNEY

Date: 11/6/19

LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT


VANESSA BURNS
DIRECTOR
DEPARTMENT OF PUBLIC WORKS
AND ASSETS

Date: 11/11/19


THE COMMONWEALTH OF KENTUCKY

By: 

Title: President & CEO, Kentucky Venues

Date: 11-1-19

THE LOUISVILLE AND JEFFERSON
COUNTY VISITORS AND CONVENTION
COMMISSION D/B/A LOUISVILLE
TOURISM

By: 

Title: Pres & CEO

Date: 11-10-19

Dearing, Connie M.

From: Roarx, Rachel G.
Sent: Monday, March 9, 2020 12:07 PM
To: Bell, LaTonya J.; MetroCouncilClerk
Cc: George, Nicole A.
Subject: FW: Phillips Lane Walkability Follow-Up 7/29/19

Clerk's Office,

Please add this email correspondence as supporting documentation for **CIF031120P W21A APPROPRIATING \$48,600 FROM DISTRICT 21 CAPITAL INFRASTRUCTURE FUND TO PUBLIC WORKS FOR THE SIDEWALK IMPROVEMENT PROJECT THAT WILL PROVIDE CONNECTIVITY FROM PRESTON HIGHWAY TO CRITTENDEN DRIVE.**

Rachel Roarx | Legislative Aide

Office of District 21 Councilwoman Nicole George
City Hall | 601 W. Jefferson St. | 3rd Floor
Office: (502) 574-1121



Click [here](#) to sign up for the District 21 eNewsletter!

From: George, Nicole A. <Nicole.George@louisvilleky.gov>
Sent: Tuesday, July 30, 2019 8:46 AM
To: Roarx, Rachel G. <Rachel.Roarx@louisvilleky.gov>; Jennifer Caummisar-Kern <jennifer.caummisar@gmail.com>; Zack Davis <zdavis@gotolouisville.com>; Moore, Kevin <Kevin.Moore@kyvenues.com>; davidsanfordbeck@gmail.com; McCoy, Kevin <Kevin.McCoy@kyvenues.com>; Doris Sims <doris@dwrepresents.com>; Betsy Ruhe <bruhe@bellsouth.net>; Kurowsky, Steve M. <steve.kurowsky@louisvilleky.gov>; jrolon@cplouisville.com; Dunkelberger, Jessica <Jessica.Dunkelberger@kyvenues.com>
Subject: Phillips Lane Walkability Follow-Up 7/29/19

Good morning! Thanks for a productive meeting yesterday. Below are the highpoints and action items. Please feel free to make additions.

Highpoints:

- All action items from June are complete.
 - Clean up dates have been scheduled for Sept 7th and November 2nd.
 - Public Works (PW) is not supportive of striping recommendations for Phillips and Freedom Way.
 - Jennifer facilitated crosswalk accessibility request to PW.
 - I65 overpass drainage issue is still pending with MSD.
- Challenges exist with pursuing federal money for sidewalk connectivity (e.g. additional costs for preliminary design and NEPA and length of time to complete)
- Steve Kurowsky with PW is able to complete the preliminary design at no extra cost.
- Sidewalk completion is estimated at \$305,000. A breakdown with 6 segments was provided.
- In the event all sections can be done at once there is an estimated \$20,000 mobilization savings in the estimate.

- CW George is able to commit to sidewalk costs for everything not adjacent to state property (approximately \$73,000). Funding will be committed provided partners are able to absorb \$232,000 for comprehensive project completion.
- An MOA would need to be in place to outline commitment.
- Provided a decision is made in the next month, Steve estimates a start date of Spring 2020.

Action Items:

- Zack will follow-up with Al Andrews (cc'ing Kevin) regarding utility permits for the month of September.
- Zack and Doris will share updates with LRAA during their meeting.
- Kevin will follow up with David Beck.
- KEC, Louisville, Tourism, and DWP will work together to present commitment on funding options by August 26th.
- Nicole will research MOA process with the County Attorney's office.

From: Roarx, Rachel G. <Rachel.Roarx@louisvilleky.gov>

Sent: Monday, July 29, 2019 10:50 AM

To: Jennifer Caummisar-Kern <jennifer.caummisar@gmail.com>; Zack Davis <zdavis@gotolouisville.com>; Moore, Kevin <Kevin.Moore@kyvenues.com>; davidsanfordbeck@gmail.com; McCoy, Kevin <Kevin.McCoy@kyvenues.com>; Doris Sims <doris@dwppresents.com>; Betsy Ruhe <bruhe@bellsouth.net>; Kurowsky, Steve M. <steve.kurowsky@louisvilleky.gov>; jrolon@cplouisville.com; Dunkelberger, Jessica <Jessica.Dunkelberger@kyvenues.com>

Cc: George, Nicole A. <Nicole.George@louisvilleky.gov>

Subject: Tentative Agenda: Phillips Lane Walkability Meeting 7/29/19

Hello All,

Here is the tentative agenda for today's walkability meeting at 2:30pm at the KY Expo administrative offices. Please review the agenda to let us know if you have any additional agenda items for today's discussion and please review the follow up action items that we established last meeting.

See you soon,

Rachel Roarx | Legislative Aide

Office of District 21 Councilwoman Nicole George

City Hall | 601 W. Jefferson St. | 3rd Floor

Office: (502) 574-1121



Click [here](#) to sign up for the District 21 eNewsletter!



Louisville-Jefferson County Metro Government

DEPARTMENT OF PUBLIC WORKS

444 S. 5th Street, Suite 400 - Louisville, KY 40202

Phone: 502.574.3121 Web Site: louisvilleky.gov/government/public-works

Permit Number: PW-REP-20-00758

Issue Date:

Applicant: SEVEN SEAS CONSTRUCTION
3821 Fitzgerald Rd.
LOUISVILLE, KY 40216

RIGHT OF WAY ENCROACHMENT PERMIT

Location: 1121 PHILLIPS LN, LOUISVILLE, KY 40213

THIS PERMIT HAS BEEN GRANTED TO DO THE FOLLOWING:

(BTWN MONARCH DR & FREEDOM WAY), (1- 5x1530 DIRT CUT). WORKING IN DIRT, CLOSE 1 DRVNG LN USING FLAGGERS WITH TWO-WAY RADIOS. INSTALL NEW SIDEWALK FOR LMPW. STEVE KUROWSKY IS PROJECT MANAGER - 502-574-8743

PER C.J. RANSOM (502) 231-7395, (C) 812-719-3171

TYPE	# CUTS	CUTLENGTH	CUTWIDTH	OVERLAY
OTHER	1	1530		NONE

PERIOD OF TIME TEMPORARY PERMIT IS IN EFFECT: 03/02/2020 TO 03/27/2020

THE DEPARTMENT OF PUBLIC WORKS MUST BE NOTIFIED 24 HOURS PRIOR TO STARTING WORK.

Contact Person: CLARENCE J RANSOM

Mobile Phone Number: (812)719-3171

PERMIT SPECIFICS

§ ALL WORK ZONES MUST COMPLY WITH THE LATEST MUTCD (Manual on Uniform Traffic Control Devices) GUIDELINES

§ PEAK HOUR RESTRICTIONS MUST BE OBEYED

(NO WORK IN ZONES FROM 7 A.M. TO 9 A.M. AND FROM 3 P.M. TO 6 P.M., WITHOUT WRITTEN APPROVAL FROM THE DEPT. OF PUBLIC WORKS)

It is understood the above activity may be bonded, and the work performance shall be subject to the approval of the Department of Public Works upon completion and is to be completed with the date of this permit, after which this Permit is void.

Any person permitted to make an encroachment on Metro Government-owned right of way must notify the Department of Public Works' office of the time the encroachment is to be started, and agrees that no openings or obstructions on the roadway or right of way that might constitute a hazard to the traveling public be left over night without specific approval from Public Works, and then only with warning lights and signals, as prescribed by the MUTCD.

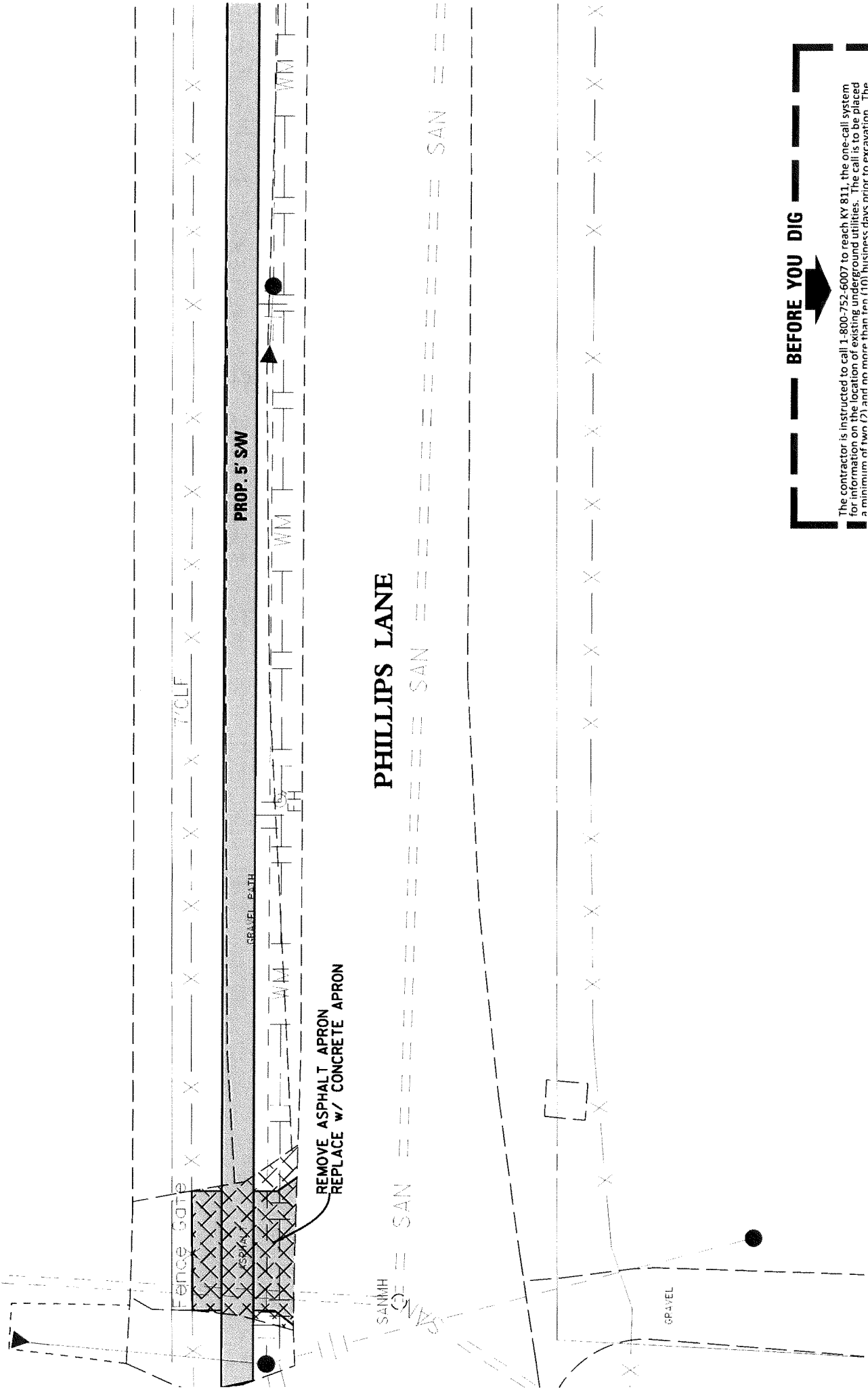
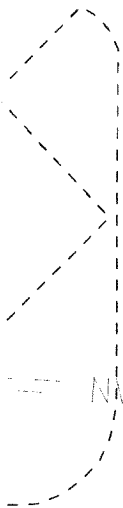
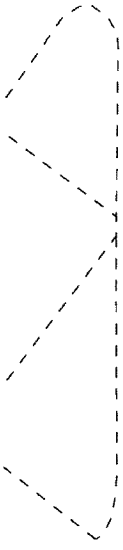
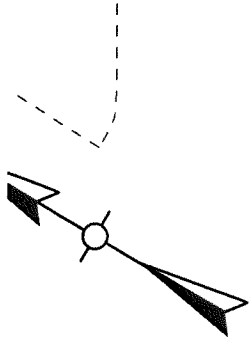
It is agreed that the party to whom this permit is issued will hold Metro Government harmless from all damages to persons or property that may result from the work, during its progress or after completion, or which may result from occupancy of the sidewalk, alley, street or movement of a vehicle under this permit.

The contractor or person to perform the construction work shown on this permit does hereby guarantee the quality of such work and so stipulates the fact that said work will be performed in compliance with Metro Government Standards and the standards set forth in the Louisville Metro Public Works Utility Policy, latest edition or Permittee shall remove such defective work and replace it at its own expense. The Permittee further agrees that any and all work to be performed on the subject property shall have the approval and authorization of the Director of Public Works.

REVOCATION: The Department of Public Works may revoke this Permit at any time in the interest of public health and safety. If the Permittee violates any of the terms of this Permit or otherwise endangers public health and safety, the Metro Government may proceed in any manner it concludes is appropriate including but not limited to: issuing a warning to the Permittee, assessing a penalty against the Permit Bond executed by the Permittee, or suspending or revoking this Permit, without compensating the Permittee in any manner, including, but not limited to, replacement value or fair market value of any improvement placed on this property, including losses or damages that may be suffered by Permittee as a result of noncompliance with the terms of this permit and any non compliance with the terms of the standards set forth in the Louisville Metro Public Works Utility Policy, latest edition. In the event such a determination is made, the Department of Public Works shall forward written notice to Permittee, where upon Permittee shall commence restoration as soon as possible.

APPEAL: The Permittee may appeal any suspension or revocation of this permit to the Director of Public Works, or his/her designee, within 48 hours of the suspension or revocation. No work shall be conducted during the appeal process.

COMMONWEALTH OF KENTUCKY



PROP. 5' SW

GRAVEL PATH

REMOVE ASPHALT APRON
REPLACE w/ CONCRETE APRON

PHILLIPS LANE

SANMH

SAN

SAN

SAN

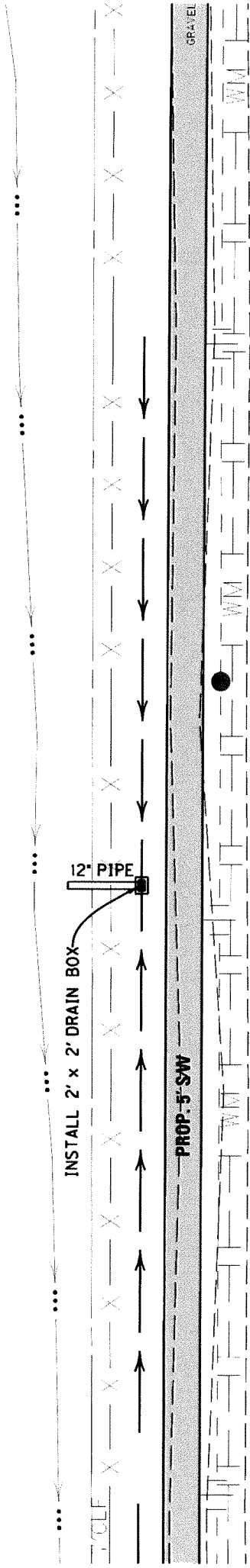
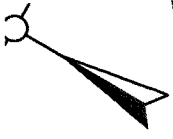
GRV

BEFORE YOU DIG

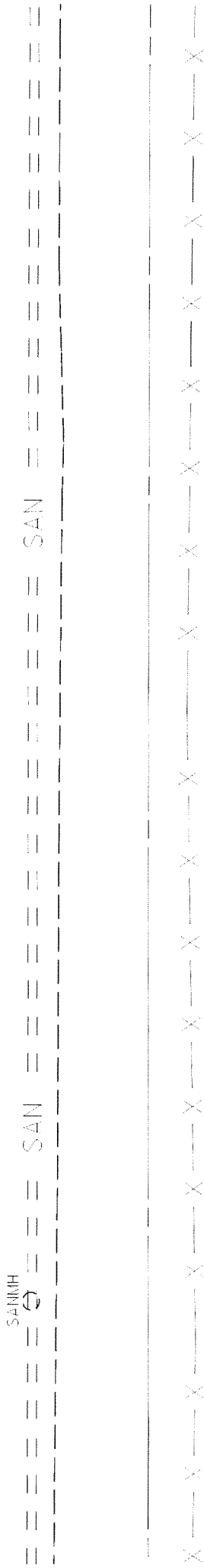


The contractor is instructed to call 1-800-752-6007 to reach KY 811, the one-call system for information on the location of existing underground utilities. The call is to be placed a minimum of two (2) and no more than ten (10) business days prior to excavation. The

[illegible][illegible]



PHILLIPS LANE



COMPLETED



24" RCP

SAMM

100-200

I-65 SOUTHBOUND

7

I-65 NORTH

COMMONWEALTH OF KENTUCKY
1117 PHILLIPS LANE

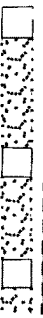
COMMONWEALTH OF KENTUCKY
1119 PHILLIPS LANE

CONCRETE

12" GRAVEL BERM (TYP.)
M DETAIL

Exist. R/W

EL. JB



EL. JB

PROPOSED

REMOVE ASPHALT APRON

REASAP

PHILLIPS LANE

SANIMH

SAN

SAN

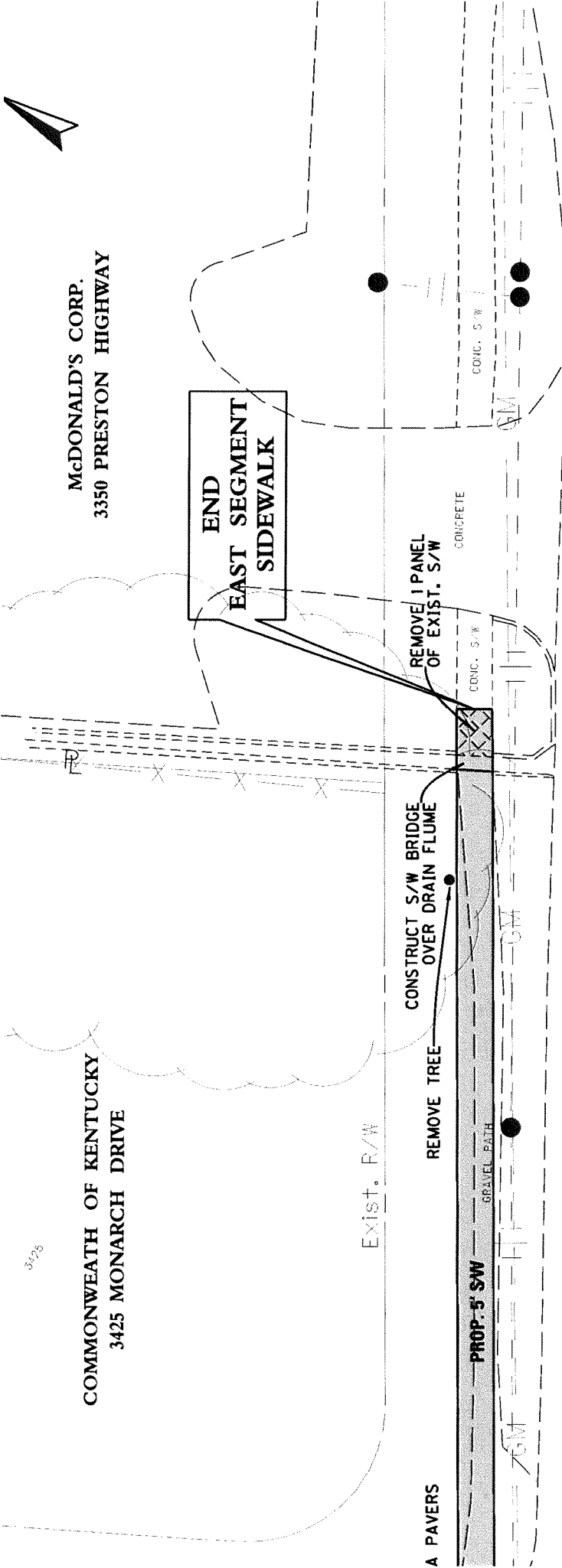
MAIL

SPINNER 3492

3425

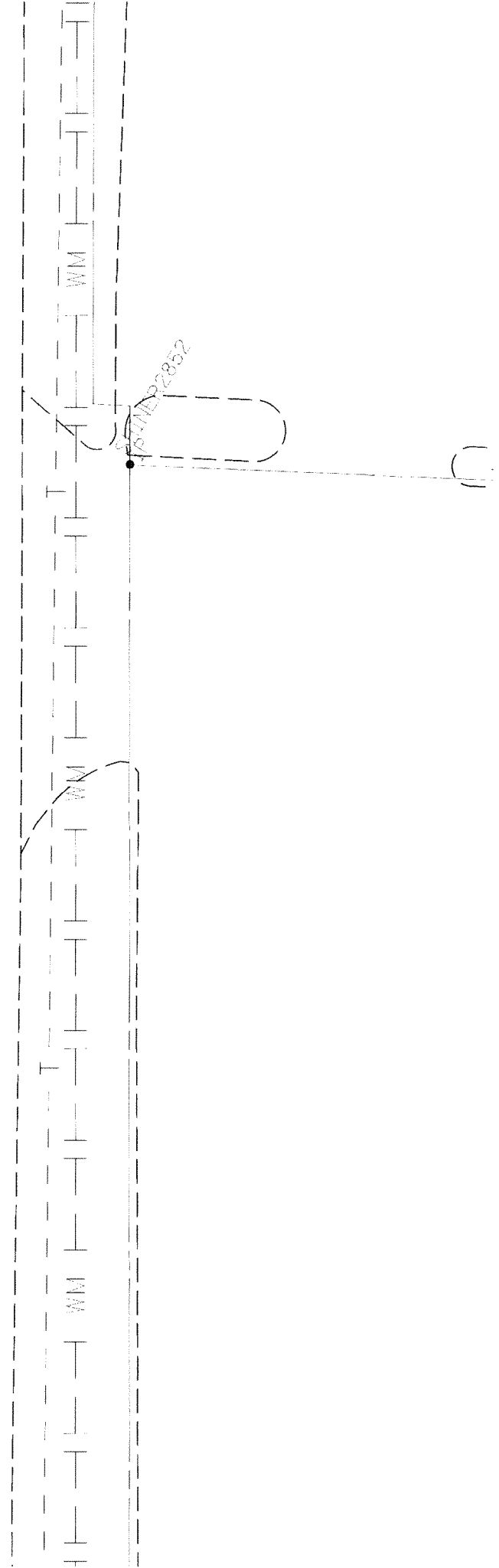
COMMONWEALTH OF KENTUCKY
3425 MONARCH DRIVE

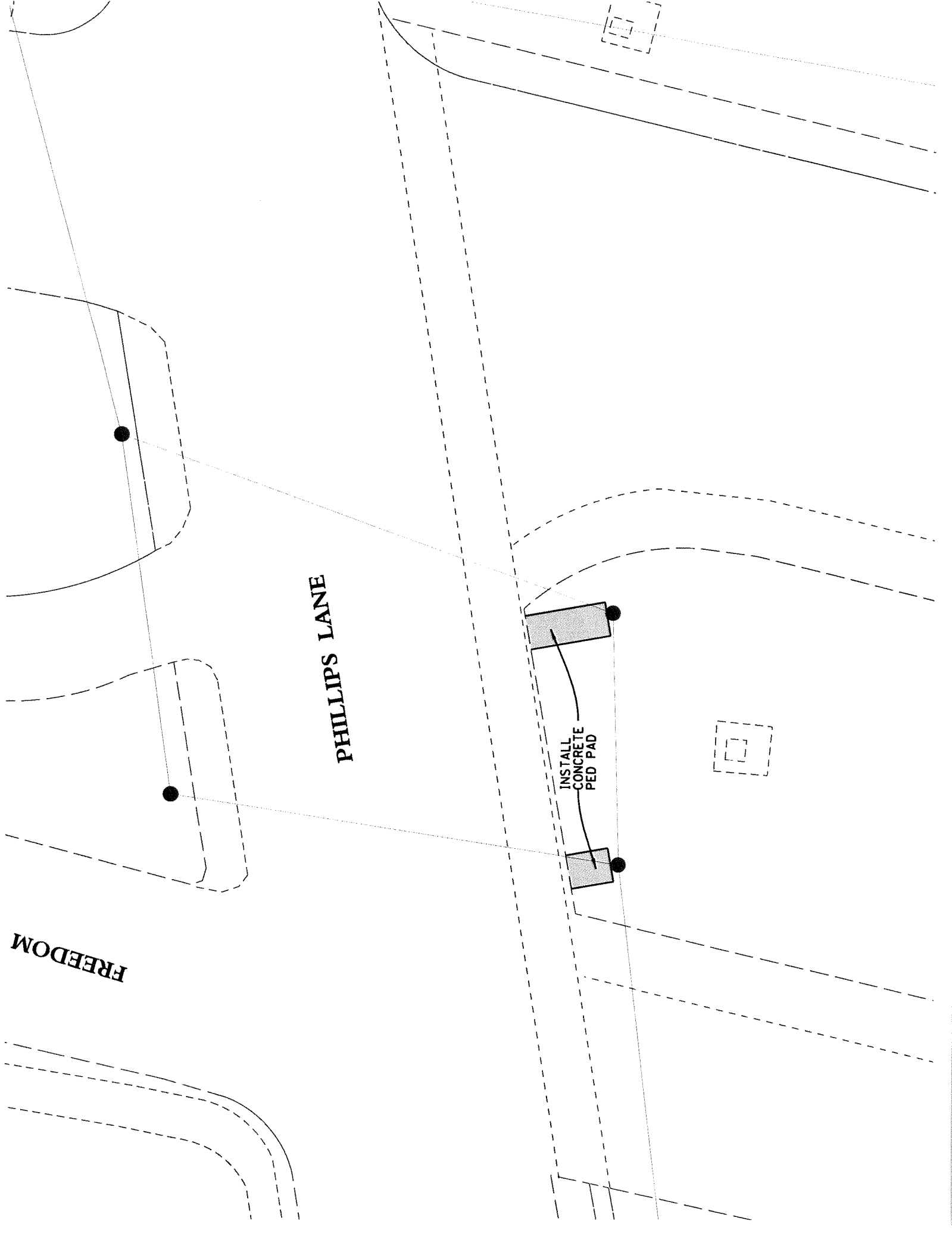
MCDONALD'S CORP.
3350 PRESTON HIGHWAY



PHILLIPS LANE

SAN SAN SANNNH



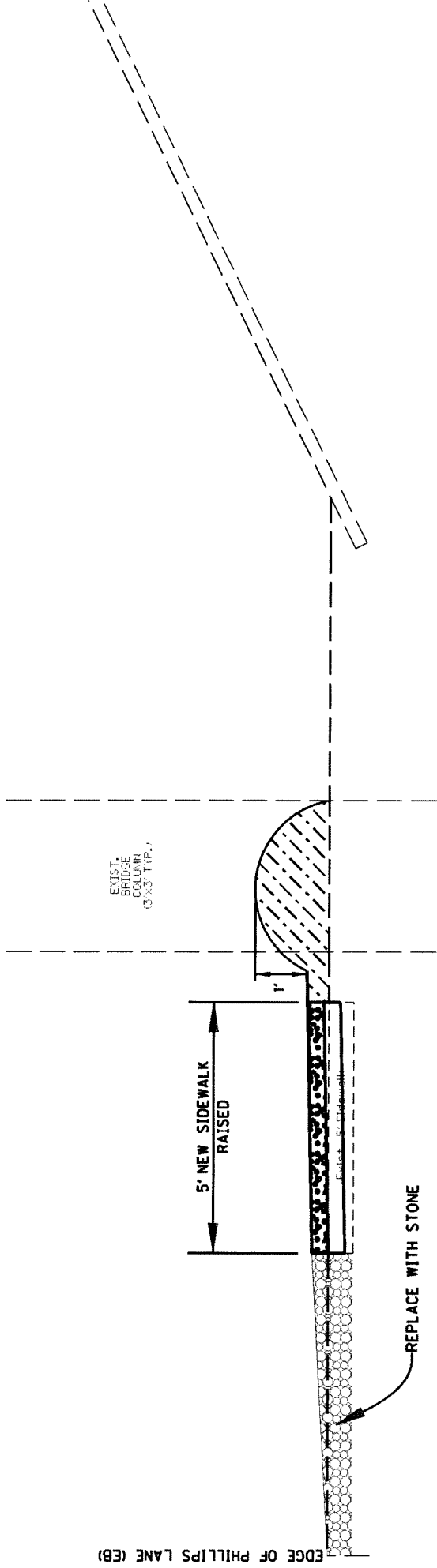


PHILLIPS LANE

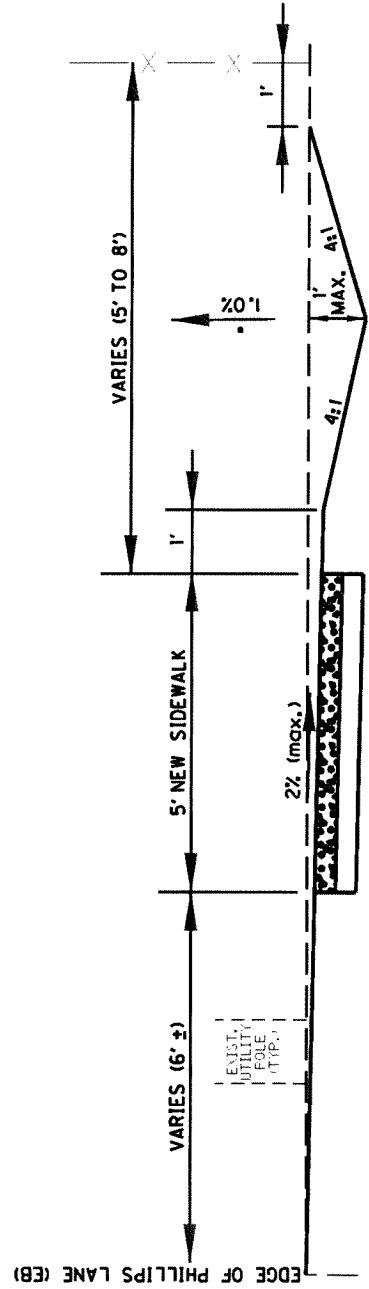
FREEDOM

INSTALL
CONCRETE
PED PAD

INSTALL
CONCRETE
PED PAD



TYPICAL SECTION UNDER I-65



- SWALE PROFILE IS AT 1.0% STARTS AT EX. GRADE. END SWALE DEPTH TO BE BETWEEN 8 TO 12 INCHES. CONTRACTOR MAY USE 0.5% IF NEEDED FOR LONGER SWALE LENGTH OR PRODUCE A DEEPER SWALE.

From: [Kurowsky, Steve M.](#)
To: [Roarx, Rachel G.](#); [Bell, LaTonya J.](#); [MetroCouncilClerk](#)
Cc: [George, Nicole A.](#)
Subject: RE: D21 - 3/11/20 Appropriations Comment - CIF031120PW21A
Date: Monday, March 9, 2020 12:28:59 PM
Attachments: [image004.png](#)
[image005.png](#)
[image007.png](#)

Metro PW&A accepts the funds for the Phillips Lane New Sidewalk project.

I could use the account codes from these funds as well as other two sponsors ASAP....

From: Roarx, Rachel G.
Sent: Monday, March 9, 2020 12:14 PM
To: Bell, LaTonya J.; MetroCouncilClerk
Cc: George, Nicole A.; Kurowsky, Steve M.
Subject: RE: D21 - 3/11/20 Appropriations Comment - CIF031120PW21A

All,

I just sent over additional documents that explain the project and the period. I believe the MOA (previously attached) and the correspondence from Steve Kurowsky (provided today) should be enough to show that Public Works accepts the funds. Still, Steve Kurowsky: please reply to this email that Public Works accepts the funds.

Thanks,

Rachel Roarx | Legislative Aide
Office of District 21 Councilwoman Nicole George
City Hall | 601 W. Jefferson St. | 3rd Floor
Office: (502) 574-1121

Click [here](#) to sign up for the District 21 eNewsletter!

From: Bell, LaTonya J. <LaTonya.Bell2@louisvilleky.gov>
Sent: Monday, March 9, 2020 11:40 AM
To: Roarx, Rachel G. <Rachel.Roarx@louisvilleky.gov>; George, Nicole A. <Nicole.George@louisvilleky.gov>
Cc: MetroCouncilClerk <MetroCouncilClerk@louisvilleky.gov>
Subject: D21 - 3/11/20 Appropriations Comment - CIF031120PW21A

Good morning,

Please address the item in red font type below and provide the email or supporting documentation to the Clerk's office as soon as possible. Sorry, I did not realize that Rachel was out of the office on

Friday and today when I left her voice messages. Thanks.

- 15. *CIF031120P*** *APPROPRIATING \$48,600 FROM DISTRICT 21 CAPITAL*
 W21A *INFRASTRUCTURE FUND TO PUBLIC WORKS FOR THE SIDEWALK*
 IMPROVEMENT PROJECT THAT WILL PROVIDE CONNECTIVITY
 FROM PRESTON HIGHWAY TO CRITTENDEN DRIVE.

Sponsors: Primary Nicole George (D-21)

Attachments: [CIF031120PW21A.pdf](#)

D21 LA to Correct:

Missing email documentation from Public Works accepting the funds and explaining the project and period.

LaTonya J. Bell | Council Financial Analyst
Louisville Metro Council
601 W. Jefferson Street, 2nd floor | Louisville, KY 40202
Phone: (502) 574-1351
Email: LaTonya.Bell2@louisvilleky.gov