

STATE OF KENTUCKY -----NICHOLAS COUNTY FISCAL COURT

REGULAR OCTOBER TERM ----- MONDAY, OCTOBER 1, 2012 AT 5:05 P.M.

Present were Magistrates: Mike Webb, Jimmy Wells, Darvin Mitchell, Jeff Randolph and Steve Hamilton. County Attorney Dawn Letcher. County Treasurer Wanda Dotson. County Judge/Executive Kenneth Lyons presiding.

RESOLUTION
ROAD
REPAIR

Motion made by Jeff Randolph, second by Mike Webb to approve resolutions and agreements with the state for road projects and giving Judge Lyons permission to sign all necessary documents pertaining to that agreement. All voting for.

R E S O L U T I O N

Fiscal Court of Nicholas County

Resolution adopting and approving the execution of a Rural Secondary Program Agreement between the Fiscal Court and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid, and accepting all roads and streets referred to therein as being a part of the County Road System.

Be it resolved by the Fiscal Court that:

The Fiscal Court does hereby certify that all roads and streets referred to in said Agreement are county roads as defined in KRS 178.010(1)(b); and

The Fiscal Court does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Agreement and does hereby accept said Agreement and by such acceptance agrees to all the terms and conditions therein stated; and

The County Judge/Executive of the county is hereby authorized and directed to sign said Agreement as set forth on behalf of the Fiscal Court of Nicholas County, and the County Clerk of Nicholas County is hereby authorized and directed to certify thereto.

The vote taken on said Resolution, the result being as follows:

<u>AYES</u>	<u>NAYS</u>
<u>Kenneth Lyons</u>	_____
<u>Steve Hamilton</u>	_____
<u>Jeff Randolph</u>	_____
<u>Darvin Mitchell</u>	_____
<u>Mike Webb</u>	_____
<u>Jimmy Wells</u>	_____

COMMONWEALTH OF KENTUCKY) SS:
NICHOLAS COUNTY)

I, Martha L. Moss, County Clerk of
Nicholas County certify that the foregoing is a true copy of the
Order above. Given under my hand and seal of office this the
1st day of October, 2012.

SIGNED Martha Moss, Clerk
by Courtney Wells, PC

CLERK OF NICHOLAS COUNTY

AGREEMENT BETWEEN KYTC AND NICHOLAS COUNTY, PERFORM BITUMINOUS RESURFACING ON VARIOUS COUNTY ROADS (SEE ATTACHMENT). \$147,634 CB06 RURAL SECONDARY FUND.

AGREEMENT

This Agreement, entered into by and between the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid (hereinafter called the Department) and the Nicholas County Fiscal Court (hereinafter called the County);

WITNESSETH:

WHEREAS, it would be to the benefit of the traveling public to perform bituminous resurfacing with hot mix asphalt on various county roads (see attachment), which shall hereinafter be referred to as the Project; and

WHEREAS, the County 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 shall be responsible for providing Rural Secondary funding in an amount not to exceed \$147,634 for the abovementioned Project.
2. If Project is performed by Contract, the County 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 45A and 424. **Concurrence must be obtained by the County through the District 9 Chief District Engineer in Flemingsburg prior to the awarding of any contract for work or materials to be used on this Project.**

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3. The County 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 Highway Department's Specifications for Road and Bridge Construction, current edition. The County will obtain any required permits or approval of plans for work to be accomplished on state-owned right-of-way from the Cabinet's District 9 Office in Flemingsburg, KY. The County hereby agrees to put forth a reasonable effort to do maintenance on roads listed herein prior to bituminous surface being applied. Maintenance being defined but not limited to proper ditching, cleaning or replacement of clogged or deficient drain tiles, proper shouldering, surface preparation, and any other obvious maintenance the road may need. The minimum thickness of any bituminous surface applied shall be one inch.

4. The County 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.

5. The Department shall reimburse the County up to \$147,634 for completion of work by the County under the obligations of this agreement, which shall represent the total obligation of the Department.

6. The County agrees to be responsible for all cost above \$147,634 however, the County shall not be required to expend any more than \$147,634.

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7. The County 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 the Project, the County shall submit to the Office of Rural and Secondary Roads documented Invoices of materials, equipment, and labor used on the Project, including certification that the work was accomplished on a publicly maintained facility in accordance with this agreement.

8. The County may submit current billing reflecting the actual cost of the project 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 County to submit billings for work performed for less than a thirty-day (30) period.

9. 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.

10. The County will pass the attached Resolution and a copy of that resolution shall be attached to, and made a part of this Agreement.

AGREEMENT BETWEEN KYTC AND NICHOLAS COUNTY, PERFORM BITUMINOUS RESURFACING ON VARIOUS COUNTY ROADS (SEE ATTACHMENT). \$147,634 CB06 RURAL SECONDARY FUND.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by its officers, thereunto duly authorized.

NICHOLAS COUNTY FISCAL COURT

By *Kenneth C. Lynn*
COUNTY JUDGE/EXECUTIVE

Date: 10-2-2012

DEPARTMENT OF RURAL AND MUNICIPAL AID

By *[Signature]*
COMMISSIONER

Date: 10/8/12

**COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET**

By *[Signature]*
SECRETARY

Date: 10/8/12

**APPROVED AS TO FORM
AND LEGALITY:**

By *[Signature]*
OFFICE OF LEGAL SERVICES

Date: 10/5/12

ATTACHMENT TO NICHOLAS COUNTY \$147,634 CB06 RURAL SECONDARY FUND

1. **CONCORD ROAD (CR 1203)**
FROM 0.728 MI. N. OF LOWER CONCORD ROAD (MP 1.670), S.
TO LOWER CONCORD ROAD (MP 2.398)
0.728 MI - BIT. RESURFACE
2. **LOWER CONCORD ROAD (CR 1204)**
FROM CONCORD ROAD (MP 1.442), E.
TO KY 1285 (MP 2.217)
0.775 MI - BIT. RESURFACE
3. **ROCKYTOP ROAD (CR 1130)**
FROM KY 1285 (MP 0.000), E.
TO 0.300 MI. E. OF KY 1285 (MP 0.300)
0.300 MI - BIT. RESURFACE
4. **SHORT STONEY ROAD (CR 1020)**
FROM 1.000 MI. N.W. OF STONEY CREEK ROAD (MP 1.527), S.E.
TO STONEY CREEK ROAD (MP 2.527)
1.000 MI - BIT. RESURFACE
5. **STONEY CREEK ROAD (CR 1004)**
FROM SHORT STONEY ROAD (MP 4.560), S.W.
TO 0.400 MI. S.W. OF SHORT STONEY ROAD (MP 4.960)
0.400 MI - BIT. RESURFACE

Motion made by Darvin Mitchell, second by Steve Hamilton to approve payment of invoice in favor of Walters Truck & Trailer Repair in the sum of ~~\$6,944.33~~ from Road Department Funds for repair of the #4 GMC truck. All voting for.

TRUCK
REPAIR
BILL

Motion made by Jeff Randolph, second by Jimmy Wells to pay bill for repair for electrical work at West End Park in the amount of \$2,067.29. All voting for.

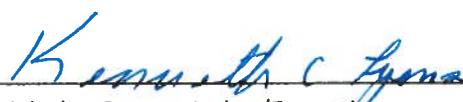
WEST END
PARK
REPAIR
BILL

Motion made by Jimmy Wells, second by Mike Webb to authorize bidding of animal shelter building. All voting for.

ANIMAL
SHELTER
BUILDING
TO BE BID

Motion made by Jeff Randolph, second by Darvin Mitchell to adjourn. All voting for.

ADJOURN



Nicholas County Judge/Executive