

City of Fayetteville Staff Review Form

2014-0322

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
 N/A for Non-Agenda Item

Chris Brown

7/17/2014

Development Services /
 Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO APPROVE A PAYMENT IN THE AMOUNT OF \$104,142.96 TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR CHANGE ORDER NO. 14 ON JOB NO. 040578 (HWY. 16) FOR THE CONSTRUCTION OF A DEDICATED LEFT TURN LANE AT THE INTERSECTION OF HUNTSVILLE ROAD, AND TO APPROVE A BUDGET ADJUSTMENT.

Budget Impact:

4470.9470.5809.00	4470 - Sales Tax Capital Improvements
Account Number	Fund
13046.1401	Tyson Factory Sale / Improvements
Project Number	Project Title
Budgeted Item? <u>Yes</u>	Current Budget \$ 43,030.00
	Funds Obligated \$ -
	Current Balance \$ 43,030.00
Does item have a cost? <u>Yes</u>	Item Cost \$ 104,142.96
Budget Adjustment Attached? <u>Yes</u>	Budget Adjustment \$ 786,495.00
	Remaining Budget \$ 725,382.04

Previous Ordinance or Resolution # 42-14

V20140710

Original Contract Number: _____

Approval Date: _____

Comments:

Paul a. Bachman 7/21/14
 Paul a. Bachman 7-21-2014

Don Mc... 7-22-14
Richard...





CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

FROM: Chris Brown, City Engineer *CB*

DATE: July 17, 2014

SUBJECT: **A Resolution to approve a payment in the amount of \$104,142.96 to the Arkansas State Highway and Transportation Department for Change Order No. 14 on Job No. 040578 (Hwy. 16) for the construction of a dedicated left turn lane at the intersection of Huntsville Road, and to approve a budget adjustment.**

RECOMMENDATION:

Staff recommends approval of a resolution authorizing a payment of \$104,142.96 to the Arkansas Highway and Transportation Department (AHTD), and approval of the budget adjustment.

BACKGROUND:

The City's agreement with Kum and Go, L.C. for Kum and Go's purchase of a portion of City property adjacent to Highway 16 was approved by the City Council in February, 2013. As the project has progressed, multiple amendments have been brought forward addressing various issues that have come to light. Recently, the Arkansas State Highway and Transportation Department (AHTD), during their review of the permit request for the Kum and Go, indicated that an additional lane on Highway 16 at the intersection of Huntsville and Happy Hollow would be required due to the planned installation of the new street/driveway into the Kum and Go. This street/driveway will create a 4-way intersection at Happy Hollow and Huntsville, and this additional lane would serve as a left turn lane for traffic turning off of Highway 16 at the intersection.

After several discussions with the AHTD, Engineering staff recommended to the Mayor that a cost share with the AHTD be proposed for the construction of the left turn lane. This proposal was made to, and accepted by AHTD. On February 18th, City Council passed Resolution 42-14 approving the Fourth Amendment to Land Sale Agreement with Kum & Go, L.C. in which Kum & Go agreed to a further 50/50 cost share of the City's portion of its 50/50 cost share with the AHTD for the dedicated left turn lane.

DISCUSSION:

The City received a letter dated July 11th from AHTD requesting a check in the amount of \$104,142.96 to execute Change Order No. 14 which will add the dedicated left turn lane to the on-going construction contract for Highway 16. The City's financial responsibility for the

dedicated left turn lane will be 25% of the cost of the work, with the AHTD and Kum and Go paying the remaining 50% and 25%, respectively. The City's current agreement with Kum and Go is to share 50/50 in the cost of the new street/access drive between Highway 16 and Ray Avenue, and in the cost of signal improvements that are necessary as part of this access drive construction, and in the cost of the widening of Highway 16 to add a dedicated left turn lane.

BUDGET/STAFF IMPACT:

The total cost of the road widening (Change Order No. 14) has been estimated to be \$208,285.91. Therefore, the City's portion, after cost shares with the AHTD and Kum and Go, is estimated to be \$52,071.48.

Attachments:

Resolution 42-14

Letter from AHTD requesting payment

AHTD Change Order No. 14

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A PAYMENT OF \$104,142.96 TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT REPRESENTING THE CITY'S PORTION OF CONSTRUCTION COSTS RELATED TO CHANGE ORDER NO. 14 FOR IMPROVEMENTS TO STATE HIGHWAY 16, AND TO APPROVE A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a payment of \$104,142.96 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to Change Order No. 14 for improvements to State Highway 16.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution as Exhibit "A".

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year 2014	Division: Engineering Dept.: Development Services Requestor: Kevin Springer	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

\$786,495 in the Tyson Factory Sale / Improvements (Infrastructure Improvements) capital project. \$1,113,706 will come from sale proceeds originally deposited into General Fund and will be transferred back into the Sales Tax Capital Improvements fund. The Use of Fund Balance will be reduced by \$327,211 to refund previous expenses.

COUNCIL DATE: 8/5/2014
 LEGISTAR FILE ID#: 2014-0322
Kevin Springer
7/17/2014 3:26 PM

 Budget Director Date
 TYPE: _____
 DESCRIPTION: _____
 GLDATE: _____
 POSTED: _____ / _____

RESOLUTION/ORDINANCE						
TOTAL	1,900,201	1,900,201	v.20140716			
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub	AT	Account Name
4470.9470.5809.00	104,143	-	13046	1401	EX	Street Improvements
4470.9470.5315.00	682,352	-	13046	1	EX	Contract Services
4470.0947.6602.01	-	1,113,706	13046	1	RE	Transfer from General
4470.0947.4999.99	-	(327,211)			RE	Use of Fund Balance
1010.6600.7602.47	1,113,706	-	57039	1401	EX	Transfer to Cap Improvement Fund
1010.0001.4881.02	-	1,113,706	57039	1401	RE	Gain/Loss - Sale of Assets
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				



ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Scott E. Bennett
Director
Telephone (501) 569-2000
Voice/TTY 711



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400
www.arkansashighways.com

July 11, 2014

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Job 040578
F.A.P. STP-9142(26)
Armstrong Ave.-Stone Bridge Rd.
(Sel. Secs.) (Fayetteville) (S)
Washington County

Dear Mayor Jordan:

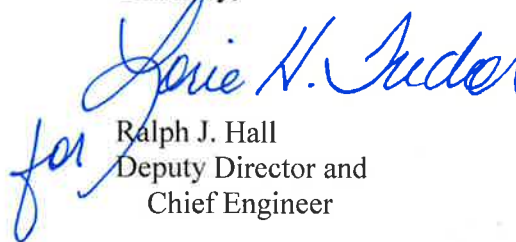
Reference is made to the City's request to add the construction of a dedicated left turn lane at the intersection of Highway 16 and Huntsville Road to the subject project.

As previously agreed, the Department will add the additional work to the subject project by change order. The Department has prepared Change Order No. 14 (copy enclosed) to complete this work and the City will be responsible for 50 percent of the cost. The estimated cost for this additional work is \$208,285.91.

At this time, it is requested that the City submit a check (made payable to the Arkansas State Highway and Transportation Department) in the amount of \$104,142.96. Upon receipt of the City's check, the Department will execute Change Order No. 14 to complete the additional work.

If you have any questions, please contact Erica Adams in our Programs and Contracts Division at (501) 569-2261.

Sincerely,


for
Ralph J. Hall
Deputy Director and
Chief Engineer

Enclosure

c: Assistant Chief Engineers
Programs and Contracts
Construction
Fiscal Services (2)
District 4
Resident Engineer #43
Job 040578 'C' File

Chris Brown, P.E., Fayetteville City Engineer (w/enclosure)

**ARKANSAS STATE HIGHWAY COMMISSION
CHANGE ORDER**

Job Name Armstrong Ave.-Stone Bridge Rd.(Sel. Secs.)(Fayetteville)(S) **Route & Section** 16, Section 3
Job No. 040578 **FAP No** STP-9142(26) **County** Washington
Changes located from Station 603+80 to Station 614+57.59 **Change Order No.** 14

DESCRIPTION OF CHANGE: 1) Revise the Typical Section of Improvement within the described limits as indicated on the enclosed plan sheets. Establish and add to the contract the item "Drop Inlets (Type Special)". Revise the quantities of the associated existing pay items.
 2) Extend the Contract Time by 12 Working Days.

REASON FOR CHANGE: 1) In accordance with the attached Director of Highways and Transportation letter, the typical section is being revised in order to construct a turn lane for the Huntsville Road intersection.
 2) The amount of days generated by the overrun of items was not sufficient to perform the additional work, therefore the additional Contract Time is being added. This represents a money value of \$76,800 (12 X \$6,400) and a 5.3% increase of time (12/225).

Attachments: Plan Sheets, Department Letter, Analysis of Time, Contractor's Letter

NOTE: UNIT PRICE FOR "DROP INLETS (TYPE SPECIAL)" IS CONTINGENT UPON THE EXECUTION OF A SUPPLEMENTAL AGREEMENT.

SUMMARY

Item No.	Item	Unit	Unit Price	PRESENT		REVISED	
				Quantity	Amount	Quantity	Amount
202	Removal And Disposal Of Curb And Gutter	LF	5.00	0.00	0.00	1,473.00	7,365.00
202	Removal And Disposal Of Concrete Driveways	SQYD	5.00	0.00	0.00	184.00	920.00
202	Removal And Disposal Of Walks	SQYD	5.00	0.00	0.00	914.00	4,570.00
202	Removal And Disposal Of Drop Inlets	EACH	500.00	0.00	0.00	6.00	3,000.00
210	Unclassified Excavation	CUYD	7.00	0.00	0.00	900.00	6,300.00
SS&303	Aggregate Base Course (Class 7)	TON	22.00	0.00	0.00	543.00	11,946.00
401	Tack Coat	GAL	2.55	0.00	0.00	213.00	543.15
SPSS405	Mineral Aggregate In ACHM Base Course (1 1/2")	TON	68.70	0.00	0.00	254.00	17,449.80
SPSS405	Asphalt Binder (PG 70-22) In ACHM Base Course (1 1/2")	TON	126.70	0.00	0.00	9.00	1,140.30
SPSS406	Mineral Aggregate In ACHM Binder Course (1")	TON	73.35	0.00	0.00	151.00	11,075.85
SPSS406	Asphalt Binder (PG 70-22) In ACHM Binder Course (1")	TON	127.00	0.00	0.00	7.00	889.00
SPSS407	Mineral Aggregate In ACHM Surface Course (1/2")	TON	84.30	0.00	0.00	528.00	44,510.40
SPSS407	Asphalt Binder (PG 76-22) In ACHM Surface Course (1/2")	TON	129.75	0.00	0.00	32.00	4,152.00
412	Cold Milling Asphalt Pavement	SQYD	4.05	0.00	0.00	4,175.00	16,908.75
505	Portland Cement Concrete Driveway	SQYD	47.00	0.00	0.00	94.00	4,418.00
SS&606	18" Reinforced Concrete Pipe Culverts (Class III)	LF	27.30	0.00	0.00	334.00	9,118.20
609	Drop Inlets (Type MO)	EACH	2,100.00	0.00	0.00	6.00	12,600.00
609	Drop Inlet Extensions (4')	EACH	550.00	0.00	0.00	5.00	2,750.00

Job Name Armstrong Ave.-Stone Bridge Rd.(Sel. Secs.)(Fayetteville)(S)

Route & Section 18, Section 3 Arkansas State Highway and Transportation Department Change Order No. 14

Job No. 040578 FAP No STP-9142(26)

County Washington 9 of 20

Changes located from Station 603+80 to Station 614+57.59

Change Order No. 14

Item No.	Item	Unit	Unit Price	PRESENT		REVISED	
				Quantity	Amount	Quantity	Amount
620	Seeding	ACRE	1,900.00	0.00	0.00	0.30	570.00
633	Concrete Walks	SQYD	36.00	0.00	0.00	462.00	16,632.00
634	Concrete Combination Curb And Gutter (Type A) (1' 6")	LF	8.50	0.00	0.00	969.00	8,236.50
641	Wheelchair Ramps (Type 3)	SQYD	175.00	0.00	0.00	50.00	8,750.00
SS&719	Thermoplastic Pavement Marking White (4")	LF	0.40	0.00	0.00	609.00	243.60
SS&719	Thermoplastic Pavement Marking White (12")	LF	5.00	0.00	0.00	673.00	3,365.00
SS&719	Thermoplastic Pavement Marking Yellow (4")	LF	0.40	0.00	0.00	2,304.00	921.60
SS&719	Thermoplastic Pavement Marking (Words)	EACH	200.00	0.00	0.00	4.00	800.00
SS&719	Thermoplastic Pavement Marking (Arrows)	EACH	175.00	0.00	0.00	4.00	700.00
SS&719	Thermoplastic Pavement Marking (Bike Emblems)	EACH	250.00	0.00	0.00	2.00	500.00
721	Raised Pavement Markers (Type II)	EACH	7.00	0.00	0.00	26.00	182.00
609	Drop Inlets (Type Special)	EACH	7,728.76	0.00	0.00	1.00	7,728.76
					0.00		208,285.91
				Overrun			\$208,285.91

Recommended _____

Chad Adams, District Engineer

APPROVED _____

Mike Sebren, Construction Engineer

Authorized _____

M. E. Banks, Assistant Chief Engineer

Requested _____

Jeff Stroud, Resident Engineer

RESOLUTION NO. 42-14

A RESOLUTION TO APPROVE THE FOURTH AMENDMENT TO LAND SALE AGREEMENT WITH KUM & GO, L.C. TO EXTEND THE CLOSING DATE TO NO LATER THAN APRIL 21, 2014 AND TO AGREE TO EQUALLY SHARE THE CITY'S PORTION OF THE COSTS OF A DEDICATED LEFT TURN LANE

WHEREAS, the City of Fayetteville agreed to sell and Kum & Go, L.C. agreed to buy a lot of slightly under two acres for \$1,155,001.00 pursuant to the First Amendment to Land Sale Agreement approved by the City Council by Resolution No. 26-13 on February 5, 2013; and

WHEREAS, Kum & Go, L.C. and the City agreed to cost share 50/50 the design and construction costs for the agreed upon new street from the intersection of Happy Hollow and Huntsville to Ray Avenue and agreed that the Closing Date would be in early December at the option of Kum & Go, L.C.; and

WHEREAS, the City requested and Kum & Go, L.C. agreed to extend the period allowed for the demolition of the old Tyson factory for about an additional two and a half months to enable the City to sell the building for salvage for a substantial savings for our taxpayers; and

WHEREAS, Kum & Go, L.C. has agreed to a further 50/50 cost share of the City's portion of its 50/50 cost share with the Arkansas Highway and Transportation Department for any expenses related to the dedicated left turn lane needed for intersection of Happy Hollow and Huntsville which accesses both City and Kum & Go, L.C. property and requested an extension of Closing until April 21, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Fourth Amendment to the Land Sales Agreement attached to this Resolution and authorizes Mayor Jordan to sign this amended Agreement.

PASSED and APPROVED this 18th day of February 2014.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Item Review Form

2014-0062

Legistar File Number

2/18/14

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

Submitted By

Development Services

Department

Action Required:

A Resolution to approve the Fourth Amendment to the Land Sale Agreement with Kum and Go, L.C., to share in the costs of widening Highway 16 and to extend the Closing Date to no later than April 21, 2014.

Does this item have a cost? Yes

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date \$0.00	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

Paul a. Bucher 2-3-14

Paul a. Bucher

Amy Mann 2-4-14
Donald J. ...



dm



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

Council Meeting of February 18, 2014

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Chris Brown, City Engineer *CB*

Date: January 31, 2014

Subject: **A Resolution to approve the Fourth Amendment to the Land Sale Agreement with Kum and Go, L.C., to share in the costs of widening Highway 16 and to extend the Closing Date to no later than April 21, 2014.**

BACKGROUND:

The City's agreement with Kum and Go, L.C. for Kum and Go's purchase of a portion of City property adjacent to Highway 16 was approved by the City Council in February, 2013. As the project has progressed, multiple amendments have been brought forward addressing various issues that have come to light. Recently, the Arkansas State Highway and Transportation Department (AHTD), during their review of the permit request for the Kum and Go, indicated that an additional lane on Highway 16 at the intersection of Huntsville and Happy Hollow would be required due to the planned installation of the new street/driveway into the Kum and Go. As noted on the attached site plan, this street/driveway will create a 4-way intersection at Happy Hollow and Huntsville, and this additional lane would serve as a turning lane for traffic turning off of Highway 16 at the intersection.

After several discussions with the AHTD, Engineering staff recommended to the Mayor that a cost share with the AHTD be proposed. In December, a letter (attached) was sent to the AHTD proposing this cost share. The AHTD has recently responded positively to this request, and will design the improvements for incorporation into their active construction project on Highway 16. The AHTD will expect a payment of 50% of the cost of the change order for the additional lane before they will begin the work. Once the actual cost is known, staff will present the amount to the City Council for approval of a payment to the AHTD.

PROPOSAL:

The City's current agreement with Kum and Go is to share 50/50 in the cost of the new street/access drive between Highway 16 and Ray Avenue, and in the cost of signal improvements that are necessary as part of this access drive construction. The proposed fourth amendment to the agreement will add the cost of the widening of highway 16 to the cost share agreement. If this amendment is approved, the City's responsibility will be 25% of the cost of the work, with the AHTD and Kum and Go paying the remaining 50% and 25%, respectively.

THE CITY OF FAYETTEVILLE, ARKANSAS

Additionally, due to the delays in getting this issue resolved and other factors, Kum and Go has requested an extension of the closing date to not later than April 21, 2014.

RECOMMENDATION:

Staff recommends approval of the Fourth Amendment to the Land Sale Agreement.

BUDGET IMPACT:

The total cost of the road widening has been estimated to be up to \$250,000. Therefore, the City's portion, after cost shares with the AHTD and Kum and Go, is estimated to be \$62,500. The actual cost will be known after the AHTD completes the Change Order with their construction contractor.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE FOURTH AMENDMENT TO LAND SALE AGREEMENT WITH KUM & GO, L.C. TO EXTEND THE CLOSING DATE TO NO LATER THAN APRIL 21, 2014 AND TO AGREE TO EQUALLY SHARE THE CITY'S PORTION OF THE COSTS OF A DEDICATED LEFT TURN LANE

WHEREAS, the City of Fayetteville agreed to sell and Kum & Go, L.C. agreed to buy a lot of slightly under two acres for \$1,155,001.00 pursuant to the First Amendment to Land Sale Agreement approved by the City Council by Resolution No. 26-13 on February 5, 2013; and

WHEREAS, Kum & Go, L.C. and the City agreed to cost share 50/50 the design and construction costs for the agreed upon new street from the intersection of Happy Hollow and Huntsville to Ray Avenue and agreed that the Closing Date would be in early December at the option of Kum & Go, L.C.; and

WHEREAS, the City requested and Kum & Go, L.C. agreed to extend the period allowed for the demolition of the old Tyson factory for about an additional two and a half months to enable the City to sell the building for salvage for a substantial savings for our taxpayers; and

WHEREAS, Kum & Go, L.C. has agreed to a further 50/50 cost share of the City's portion of its 50/50 cost share with the Arkansas Highway and Transportation Department for any expenses related to the dedicated left turn lane needed for intersection of Happy Hollow and Huntsville which accesses both City and Kum & Go, L.C. property and requested an extension of Closing until April 21, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Fourth Amendment to the Land Sales Agreement attached to this Resolution and authorizes Mayor Jordan to sign this amended Agreement.

PASSED and **APPROVED** this 18th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

FOURTH AMENDMENT TO LAND SALE AGREEMENT

THIS FOURTH AMENDMENT TO LAND SALE AGREEMENT (hereinafter, the "Amendment") is made and entered into effective the 18 day of February, 2014, by and between the CITY OF FAYETTEVILLE, AR, a municipal corporation ("City" or "Fayetteville"), and KUM & GO, L.C., an Iowa limited liability company ("Kum & Go"), WITNESSETH:

WHEREAS, Kum & Go and City have entered into that certain Purchase Agreement (the "Agreement") whereby City has agreed to sell and Kum & Go has agreed to buy certain real estate situated in Fayetteville, Arkansas; and

WHEREAS, Kum & Go and City have entered into the First Amendment to Land Sale Agreement on February 5, 2013; and

WHEREAS, Kum & Go and City have entered into the Second Amendment to Land Sale Agreement on March 19, 2013; and

WHEREAS, Kum & Go and City have entered into the Third Amendment to Land Sale Agreement on September 17, 2013; and

WHEREAS, Kum & Go and City desire to amend this Agreement for a fourth time as set forth herein.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, and for other good and valuable consideration, it is agreed as follows:

1. Extension of Time for Closing. Kum & Go, L.C. and the City of Fayetteville agree that upon Kum & Go, L.C.'s request to extend the Closing Date pursuant to Paragraph 7 of the Land Sale Agreement, Kum & Go, L.C. shall have the right to extend the Closing Date to not later than April 21, 2014.

2. Dedicated Left Turn Lane on Huntsville Road. The Arkansas Highway and Transportation Department has agreed to design and construct a dedicated left turn lane into the City's development site at the old Tyson Plant property if the City pays 50% of these costs. The City and Kum & Go, L.C. now

agree to equally share the City of Fayetteville's 50% cost share with the Arkansas Highway and Transportation Department.

3. Ratification. Except as modified by this Fourth Amendment, all terms within the Agreement and its First, Second and Third Amendments are ratified and confirmed by the parties.

4. Counterparts, Facsimile. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement. For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

IN WITNESS WHEREOF, the parties hereto have caused this Third Amendment to be executed all on or as the day and year first above written.

KUM & GO, L.C.

CITY OF FAYETTEVILLE, AR

By: Niki DePhillips
NIKI DePHILLIPS,
SVP Store Development

By: Lionel Jordan
LIONEL JORDAN
Mayor

ATTEST:

By: Sandra E. Smith
SONDRA E. SMITH
City Clerk/Treasurer





THE CITY OF FAYETTEVILLE, ARKANSAS
ADMINISTRATION
113 West Mountain
Fayetteville, AR 72701
P (479) 575-8330 F (479) 575-8257

www.accessfayetteville.org

December 10, 2013

Mr. Frank Vozel, P.E.
Deputy Director/Chief Engineer
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

Re: Highway 16/Huntsville Rd. Intersection

Dear Mr. Vozel:

As you may know, the City of Fayetteville has entered into a contract with Kum and Go, LLC to sell a portion of City property near the intersection of Huntsville Road and Happy Hollow, on State Highway 16. As part of the project, a new street is planned to be constructed to create a 4-way intersection at Highway 16 and Huntsville Road. The intersection currently is a three way intersection that was constructed by the City in 2006, and includes a 4-lane cross section on Highway 16. Additionally, the Department is widening Highway 16 to the east of this intersection, in partnership and cooperation with the City, with the City paying \$5 million toward the approximately \$12 million cost of the project.

Kum and Go, LLC has been pursuing Department approval of the intersection layout, so that they can begin design work on the traffic signal modifications necessary as part of the new leg to be added to the intersection. The Department has recently determined that it will be necessary to add a fifth lane at the intersection, to provide a dedicated left turn lane for both travel directions on Highway 16.

While we agree with the concept, and recognize that this design will create a better intersection, it seems that the Department should share in the cost of this work, just as the City has invested heavily in the cost of the work on the nearby widening project. This work will resolve a weakness in the transportation network that, absent the development project, would have remained after the Highway 16 widening project was completed. We have estimated the cost of the widening to be approximately \$200,000 to \$250,000, based on the unit costs from the Department's current contract with Sweetser Construction, and we would propose that this cost be shared equally between the Department and the City. (This does not include the cost of the signal relocation, which will be borne by the developer and/or the City).

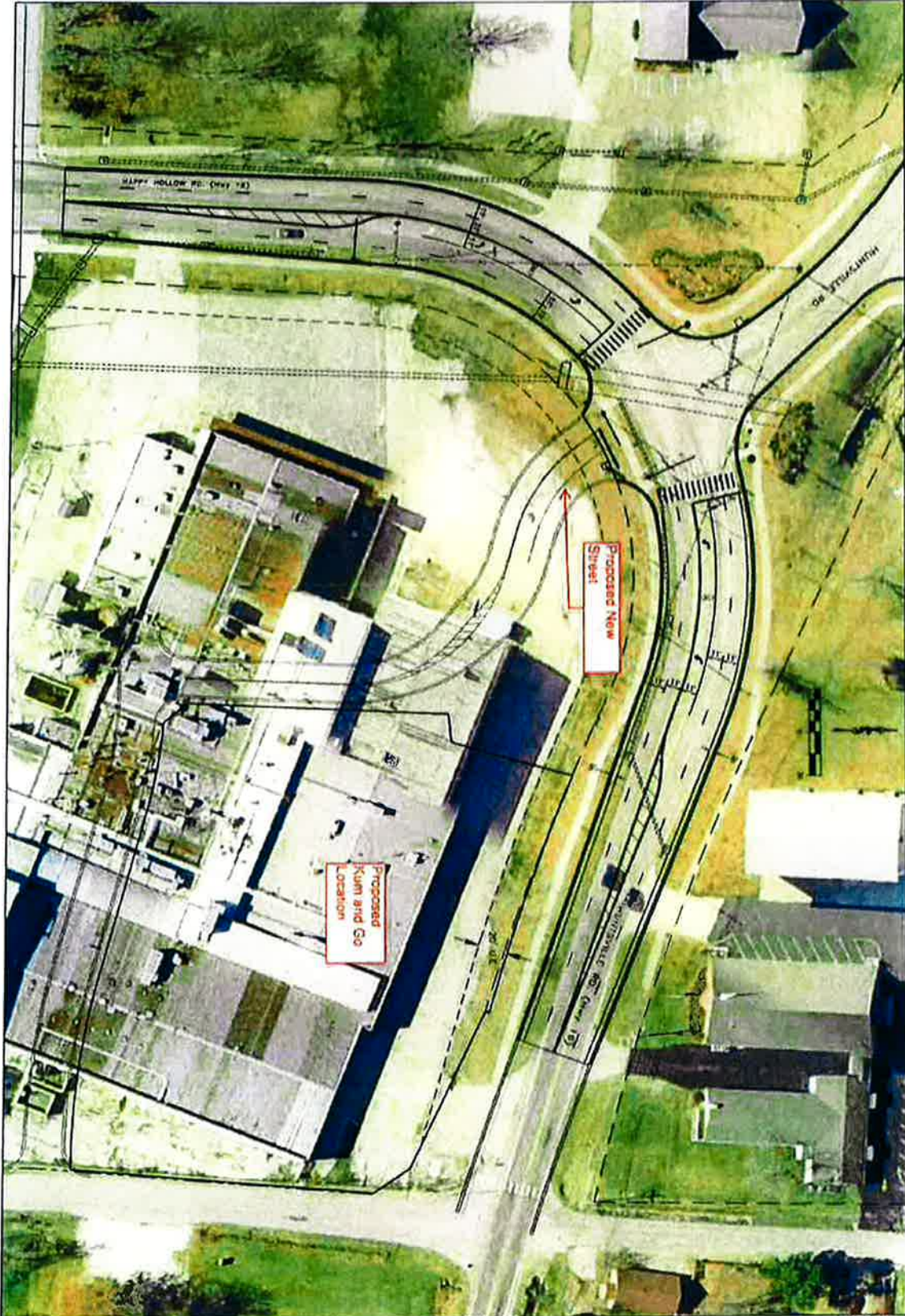
In closing, we sincerely appreciate the partnership that we have enjoyed with the Department during my Administration. We are continuing to look for ways to partner with the Department on facilities owned by the Department that are used by our citizens, including using STP-A funds that recently have become available. We hope that you feel the same, and will recognize this opportunity to work together to strengthen our transportation network in the City.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lionell Jordan".

Lionell Jordan
Mayor

Cc: Commissioner Dick Trammel, Ark. Highway Commission



PROJECT HAPPY HOLLOW RD	SHEET 2	DATE 11/21/2013	Fayetteville ENGINEERING DIVISION 113 W. MOUNTAIN STREET FAYETTEVILLE, AR 72701 PHONE 479.336.5000 FAX 479.336.5000	PROJECT HAPPY HOLLOW RD AND HUNTSVILLE RD INTERSECTION - OPTION 2	SCALE AS SHOWN	DRAWN BY J. W. BROWN	CHECKED BY J. W. BROWN	DATE 11/21/2013

ARKANSAS STATE HIGHWAY COMMISSION



JOHN ED REGENOLD
CHAIRMAN
ARMOREL

DICK TRAMMEL
VICE CHAIRMAN
ROGERS

THOMAS B. SCHUECK
LITTLE ROCK

ROBERT S. MOORE, JR.
ARKANSAS CITY

FRANK D. SCOTT, JR.
LITTLE ROCK

SCOTT E. BENNETT, P.E.
DIRECTOR OF
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January 23, 2014

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Jordan:

Reference is made your letter concerning improvements to the Highway 16 and Huntsville Road intersection in Fayetteville.

As you stated, the Department has reviewed the proposed intersection layout and has determined that a dedicated left turn lane for both travel directions on Highway 16 is necessary. You also stated that the estimated cost for this improvement is \$250,000. The City has proposed a partnering arrangement of sharing this cost equally with the Department.

As you are aware, a widening project is underway on Highway 16 on selected sections between Armstrong Avenue and Stone Bridge Road (Job 040578). The City is responsible for 50 percent of the cost of Job 040578 up to \$5,000,000. The Department is agreeable to adding construction of a dedicated left turn lane at the subject intersection to Job 040578 by change order and for paying one-half of the cost. The City will be billed for their portion after the change order is negotiated but prior to execution. This will increase the City's contribution to Job 040578 to approximately \$5,125,000. We agree that this additional work will improve operations on Highway 16 and enhance safety. Also, it is a natural addition to Job 040578.

Thank you for your interest in Arkansas' transportation system. If you have any questions, please let me know.

Sincerely,

Handwritten signature of Scott E. Bennett in cursive.

Scott E. Bennett
Director of Highways
and Transportation

c: Highway Commission
Deputy Director and Chief Engineer
Assistant Chief Engineers
Transportation Planning and Policy
Programs and Contracts
District 4
Job 040578 "C" File

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