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MEMORANDUM

To: Mayor and City Council

From: Brent Walker, Parks and Recreation Manager

Date: May 13, 2013

Subject: **Agreement Amendment For Department of Natural Resources
Recreational Trails Program Grant for Brook Run Trail Phase II**

ITEM DESCRIPTION

As part of the change in scope from the original grant application for Brook Run Trail Phase II the Department of Natural Resources has submitted an agreement amendment for approval by the City

BACKGROUND

Brook Run Park is traversed by a trail system that was originally created in the 1970s when the site was used by the State of Georgia. On August 27, 2012, the Mayor and City Council, through Resolution 2012-08-37, supported staff's acceptance of \$100,000 in grant funds through the Department of Natural Resources Recreational Trails Grant Program to create Phase II of a multi-use trail at Brook Run Park.

The grant funds are intended to be used to conduct an assessment of the existing trails system and transform this underutilized amenity into a new recreational opportunity that will be designed to meet the needs of users with a variety of different abilities. A multi-use recreational trail through Brook Run Park will allow the community to traverse the expanses of the park and provide linkages between recreational resources and community activities.

During the bidding process of Phase I of the project City staff determined that a 12' wide concrete trail would provide a better recreational amenity in the park and allow for eventual connectivity to future park sites. This decision occurred after the grant application for Phase II was submitted which was for the construction of an 8' wide asphalt trail.

The agreement amendment will allow for the modification of the project scope from a 8' wide asphalt trail to a 12' wide concrete trail.

RECOMMENDATION

Staff recommends approving the agreement amendment for Brook Run Park Trail Phase II and authorizing the Mayor and City Manager to execute all documents.

AMENDMENT #1

STATE OF GEORGIA

COUNTY OF HENRY

AMENDMENT TO ARTICLES OF AGREEMENT

THIS AMENDMENT to an Agreement for Project Grant No. NRT-11(10) dated the 10th day of September, in the year TWO THOUSAND TWELVE (2012), made and entered into this _____ day of _____, 2013, by and between the Department of Natural Resources (hereinafter DEPARTMENT), whose address is 2600 Highway 155 SW, Suite C, Stockbridge, Georgia 30281, acting for and on behalf of the State of Georgia, and the City of Dunwoody (hereinafter referred to as the GRANTEE), whose address is 41 Perimeter Center East, Suite 250, Dunwoody, GA 30346.

WITNESSETH:

WHEREAS the purpose of the agreement between the parties was for construction of 1 mile of paved and unpaved multi-use non-motorized trail circling the Brook Run Park with connections to current amenities and an on street bike path, the Jim Benson Trail; and

WHEREAS the DEPARTMENT allocated grant funds in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) from the Georgia Recreational Trails Fund to assist the GRANTEE with the above project; and

WHEREAS the GRANTEE now requests to amend the Agreement for the purpose of changing the Project Scope in order to conform the Agreement to the changed design; and

WHEREAS the GRANTEE proposes to change the Project Scope so that it reflects design and construction of 1 mile of twelve-feet-wide concrete multi-use non-motorized trail in the same location as originally proposed; and

WHEREAS the original project cost was \$129,310.00, and GRANTEE asserts the new project cost including design and construction will be \$441,000.00; and

WHEREAS the DEPARTMENT finds the GRANTEE's proposal beneficial to the project as a whole;

NOW, THEREFORE, in consideration of the request from the GRANTEE and the premises, conditions and covenants set forth in the original AGREEMENT, the parties agree to amend said AGREEMENT as follows:

- 1) The Project Scope is modified to read: Design and construction of 1 mile of twelve-feet-wide concrete multi-use non-motorized trail in the same location as originally proposed.
- 2) The Project's Total cost, in accord with the GRANTEE's revised cost estimate, shall be amended to the sum \$441,000.00.
- 3) The Minimum Local Match, in accord with the GRANTEE's revised cost estimate, shall be amended to the sum \$341,000.00.
- 4) The GRANTEE and DEPARTMENT mutually agree that all other terms and conditions of the agreement shall be and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT, to be given effect as of the day and year first above written.

**GEORGIA DEPARTMENT OF NATURAL
RESOURCES**

CITY OF DUNWOODY, GEORGIA

BY _____
BECKY KELLEY, DIRECTOR
PARKS, RECREATION & HISTORIC SITES

BY _____
MICHAEL G. DAVIS, MAYOR

WITNESS

WITNESS

DATE

DATE

(Seal)