

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: October 18, 2023

SUBJECT: Supplemental Agreement with NCDOT for NSFLTP Funds to be used for Ecusta Phase I Construction

PRESENTER: Christopher Todd, Business and Community Development Director
Autumn Radcliff, Planning Director

ATTACHMENTS: 1. Supplemental Agreement

SUMMARY OF REQUEST:

The Board approved a resolution of support last October for a grant application for NSFLTP (Nationally Significant Federal Lands and Tribal Projects) for construction of the Ecusta Trail. NCDOT was successful in award of these funds. A supplemental agreement is required for Henderson County to access these funds in Phase I construction of the trail. NCDOT is also shifting more of these funds to be used on the trail in place of STBG-DA funds which will reduce the required local match from 20% to 10%, which comes from fundraising, TDA, and other grant sources. The total NSFLTP funds to be allocated are \$5,705,079.

BOARD ACTION REQUESTED:

The Board is requested to approve the supplemental agreement with NCDOT to access NSFLTP funds to be used for the first phase of construction.

Suggested Motion:

I move the Board authorize the County Manager to sign the supplemental agreement with NCDOT to access allocated funding from NSFLTP to be used in Phase I construction of the Ecusta Trail.

NORTH CAROLINA
HENDERSON COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 10/10/2023

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: BL-0007

AND

WBS ELEMENTS: PE 49462.1.1

ROW _____

HENDERSON COUNTY

CON (STBG-DA) 49462.3.4

CON (NSFLTP) 49462.3.5

FEDERAL-AID #: 1413020

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$5,705,079

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Henderson County, hereinafter referred to as the "County."

WITNESSETH:

WHEREAS, the Department and the County on 9/22/2021, entered into a certain Project Agreement for the original scope: Preliminary engineering (PE) and construction of the Ecusta Rail Trail in Henderson County from Kanuga Road in the City of Hendersonville to the Transylvania County line (approximately 11 miles total), programmed under Project BL-0007; and,

WHEREAS, the County has applied for and received an allocation of Nationally Significant Federal Lands and Tribal Projects (NSFLTP) Program funding;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

3. FUNDING

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the County with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse (80%) of eligible expenses incurred by the Municipality up to a maximum amount of Five Million Seventy-Five Thousand Two Hundred Nineteen Dollars (\$5,075,219) in STBG-DA funds. The Department shall also reimburse (90%) of eligible expenses, up to a maximum amount of Five Million Seven Hundred Five Thousand Seventy-Nine Dollars (\$5,705,079) in NSFLTP funds. The County shall provide the nonfederal match, as detailed in the REVISED FUNDING TABLE below, and all costs that exceed the total available funding.

REVISED FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
STBG-DA	\$5,075,219	80 %	\$1,268,805	20 %
NSFLTP	\$5,705,079	90 %	\$633,898	10 %
Subtotal	\$10,780,298		\$1,902,703	
Total Estimated Cost			\$12,683,001	

Except as hereinabove provided, the Agreement heretofore executed by the Department and the County on 9/22/2021 is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the County by authority duly given.

HENDERSON COUNTY

BY: _____

TITLE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Henderson County

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)