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MEMORANDUM

To: Mayor and City Council

From: Brent Walker, Parks and Recreation Manager

Date: September 24, 2012

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

ITEM DESCRIPTION

As part of the change in scope from the original grant application for Brook Run Trail Phase I 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 November 22, 2010, the Mayor and City Council, through Resolution 2010-10-47, supported staff's application for \$100,000 in grant funds through the Department of Natural Resources Recreational Trails Grant Program to create 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.

In March 2011, staff received preliminary word from the Georgia Department of Natural Resources that our application had met the established criteria and would continue in the approval process.

In August 2011, staff received word that our Brook Run Park Recreational Trail project had been approved by the State Historic Preservation Office, the Georgia Natural Heritage Program, the U.S. Fish & Wildlife Service, and other applicable agencies.

During the bidding phase of the project City staff determined that a 12' wide concrete trail that was .7 miles would provide a better recreational amenity in the park and allow for eventual connectivity to future park sites. The Department of Natural Resources was notified at that time and agreed to the change in scope.

RECOMMENDATION

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

AMENDMENT # 1

STATE OF GEORGIA

COUNTY OF DEKALB

AMENDMENT TO ARTICLES OF AGREEMENT

THIS AMENDMENT to an Agreement for Project Grant No. NRT-10(16) dated the 25st day of October, in the year TWO THOUSAND ELEVEN (2011), made and entered into this ____ day of _____, 2012, by and between the Department of Natural Resources (hereinafter DEPARTMENT), whose address is 2 Martin Luther King Jr. Drive, S. E., Suite 1352, Atlanta, Georgia 30334, 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 original agreement between the parties was to conduct an assessment of existing trails, and design and construct a 1.38-mile trail system at Brook Run Park, including trash receptacles, benches and signage; 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 a .7 mile, 12' wide concrete trail including trash receptacles, benches and signage; and

WHEREAS the GRANTEE states the new design will still be within the proposed route submitted in the original grant submission; and

WHEREAS the original project cost was \$130,810, and GRANTEE asserts the new project cost including design and construction costs will be \$420,000; and

WHEREAS the DEPARTMENT finds the GRANTEE's proposal to change the scope beneficial;

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 hereby modified to read: conduct assessment of existing trails and design and construct a .7 mile, 12' wide concrete trail including trash receptacles, benches and signage.
- 2) The GRANTEE and DEPARTMENT mutually agree that all other terms and conditions of the original 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**

**THE CITY OF DUNWOODY,
GEORGIA**

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

BY _____
MICHAEL G. DAVIS, MAYOR

WITNESS

WITNESS

DATE

DATE
(Seal)