

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH LYNDHURST FOUNDATION RELATIVE TO MAIN TERRAIN ART PARK, PARTNERSHIP AGREEMENT NO. R-11-001-802, TO INCREASE THE TOTAL AMOUNT TO FIFTY-TWO THOUSAND DOLLARS (\$52,000.00), AN INCREASE OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR LANDSCAPING ELEMENTS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, it is hereby authorizing the Administrator of the Department of Public Works to enter into an agreement with Lyndhurst Foundation relative to Main Terrain Art Park, Partnership Agreement No. R-11-001-802 to increase the total amount to \$52,000.00, an increase of \$25,000.00 for Landscaping Elements.

ADOPTED: _____, 2012.

/mms

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: November 8, 2012

Preparer: Dennis Malone

Department: Public Works

Brief Description of Purpose for Resolution/Ordinance:

Res./Ord. # _____ Council District #

8

A Council Action is requested to authorize the Administrator of Public Works to amend Resolution No. 27274 with the Lyndhurst Foundation for the Main Terrain Art Park, Partnership Agreement No. R-11-001-802, to increase the total amount to receive to \$52,000.00, an increase of \$25,000.00 for Landscaping Elements.

Name of Vendor/Contractor/Grant, etc.	<u>Lyndhurst Foundation</u>	New Contract/Project? (Yes or No)	<u>No</u>
Total project cost \$	_____	Funds Budgeted? (YES or NO)	<u>Yes</u>
Total City of Chattanooga Portion \$	_____	Provide Fund	<u>4016</u>
City Amount Funded \$	<u>52,000.00</u>	Provide Cost Center	<u>K16108</u>
New City Funding Required \$	<u>0</u>	Proposed Funding Source if not budgeted	_____
City's Match Percentage %	_____	Grant Period (if applicable)	_____

List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
<u>\$52,000.00</u>	<u>Lyndhurst Foundation</u>
_____	_____
_____	_____
_____	_____
_____	_____

Agency Grant Number _____

CFDA Number if known _____

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by: _____

DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

Please submit completed form to @budget, City Attorney and City Finance Officer

Revised: 1/26/09

RESOLUTION NO. 27274

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO APPLY FOR AND, IF APPROVED, ACCEPT A GRANT FROM THE LYNDHURST FOUNDATION FOR THE MAIN TERRAIN ART PARK, PARTNERSHIP AGREEMENT NO. R-11-001-802, IN THE AMOUNT OF TWENTY-SEVEN THOUSAND DOLLARS (\$27,000.00).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the Administrator of the Department of Public Works is hereby authorized to apply for and, if approved, accept a grant from the Lyndhurst Foundation for the Main Terrain Art Park, Partnership Agreement No. R-11-001-802, in the amount of \$27,000.00.

ADOPTED: October 9, 2012

/mms

Rec'd
NOV 16 2012
CK

COPY

GRANT CONTRACT

Organization: City of Chattanooga **Telephone:** 423-757-4870
Address: Public Works Department **Fax:** 423-757-0586
Chattanooga, TN 37402

Project Director: Mr. Steve Leach **Telephone:** 423-757-4870
Address: Public Works Department **Fax:** 423-757-0586
Chattanooga, TN 37402

Amount of Grant: \$25,000.00 **Date of payment:** November 15, 2012.

Program Title: Landscaping of Main Terrain Park

Description: This grant provides support for landscaping the Main Terrain Park.

The following terms are agreed upon as conditions of this grant:

- 1) The organization has provided to Lyndhurst Foundation a copy of its ruling from the IRS indicating that it is exempt from tax under section 501-c-3 of the Internal Revenue Code (IRC) and is an organization described in section 509-a-1, 2, or 3. Any changes in that ruling will be reported to the Lyndhurst Foundation immediately.
- 2) The funds will be used by the above-named organization solely for the purpose described.
- 3) The organization will not intervene in any election or support or oppose any political party or candidate for public office, or engage in any lobbying that is not permitted by section 501-c-3 of the IRC or, if applicable, section 501-h and 4911. This grant is not earmarked in any way to support or carry on any lobbying or voter registration activity. The organization has provided to Lyndhurst Foundation evidence that the amount of this grant does not exceed its total expenditures for non-lobbying and non-voter registration activities in the current fiscal year.
- 4) The organization will keep and maintain records of expenditures adequate to check the use of the grant readily. Annual reports concerning budget, personnel, and program developments will be completed and returned to Lyndhurst.
- 5) The organization will repay, upon demand, to Lyndhurst Foundation the amount of the grant if any condition of the contract is not upheld.
- 6) The organization will send to the Foundation copies of any printed publicity regarding the awarding of the grant to the program supported by the grant; the organization may, if it chooses, refer to Lyndhurst's support in any such publicity.
- 7) The following special condition will be observed:

The terms of this contract are accepted by:

[Signature]
(Name)
Public Works, City of Chattanooga
(Organization)
9 Nov 2012
(Date)

[Signature]
(Name)
Lyndhurst Foundation
(Organization)
November 15, 2012.
(Date)

[Handwritten mark]

LYNDHURST FOUNDATION
GRANT ACCOUNT
517 EAST FIFTH STREET
CHATTANOOGA, TN 37403-1826

SUNTRUST BANK
CHATTANOOGA, TN
ACH RT: 061000104
87-4/640

4461

11/15/2012

PAY TO THE ORDER OF City of Chattanooga-Dept of Public Works

\$ **25,000.00

Twenty-Five Thousand and 00/100 ***** DOLLARS

City of Chattanooga
Department of Public Works
1250 Market Street, 2nd Floor
Chattanooga, TN 37402

Benny Clark
AUTHORIZED SIGNATURE

MEMO

Landscaping of Main Terrain Park

⑈004461⑈ ⑆0640000461⑆ 6800041665⑈

LYNDHURST FOUNDATION - 517 EAST FIFTH STREET, CHATTANOOGA, TN 37403-1826

City of Chattanooga-Dept of Public Works

11/15/2012

4461

Support for the landscaping of Main terrain, a new pa

25,000.00

*Rec'd
NOV 16 2012
CK*

CASH-SUNTRUST - Landscaping of Main Terrain Park

25,000.00

*check to Barb McSee
11/16/12
mj*

EXHIBIT 'A'

**Main Terrain Art Park
Partnership Agreement
Contract No. R-11-001-802
Resolution No. 27274**

Amendment 1

Include Item No. 3, under Lyndhurst Responsibilities as stated below:

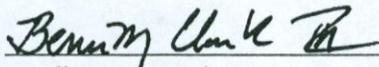
3. The Lyndhurst Foundation has agreed to provide an additional \$25,000.00 in funding to this project for the installation of Landscaping Elements that were eliminated from the Construction Contract R-11-001-201 with Yerbey Concrete Construction Company due to Value Engineering.

Include Item No. 3, under City Responsibilities as stated below:

3. The City agrees to include the Revised Planting Plan PP1.1 to Contract No. R-11-011-201, and utilize the funds provided by this agreement to offset the increased cost to the contract.

PARTNERSHIP AGREEMENT

The change of terms as described above are agreeable to the Lyndhurst Foundation, and as an Officer of the said Foundation, I hereby agree to the terms as described.



Lyndhurst Foundation

Date 11/12/12

The change of terms as described above are agreeable to the City of Chattanooga, and as the Administrator of Public Works, I hereby agree to the terms as described.

Steve Leach, Public Works Administrator Date
