

RESOLUTION NO. _____

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: _____, 2012

/mms

City of Chattanooga



Resolution/Ordinance Request Form

Date Prepared: September 18, 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 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.

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>27,000.00</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)	_____

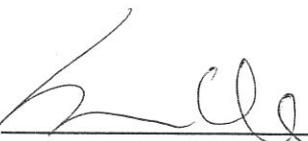
List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
<u>\$27,000.00</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



LYNDHURST FOUNDATION

SARAH MORGAN, PROGRAM OFFICER

smorgan@lyndhurstfoundation.org

September 18, 2012

Mr. Steve Leach
City of Chattanooga
Public Works Department
Development Resource Center
1250 Market Street, 2nd Floor
Chattanooga, TN 37402

Dear Steve,

I am pleased to confirm that the Lyndhurst Foundation will provide a grant of \$27,000.00 payable to the City of Chattanooga and restricted to the support of the Main Terrain Park located off of Main Street.

Please read the terms of the attached grant contract carefully and call me if any of the conditions are unclear or unacceptable. Sign and return it to indicate your approval of the conditions included therein. If any of the information we have filled in on the contract is incomplete or incorrect, please notify me before you sign and return it. As soon as the contract has been returned to us, we shall mail you the check.

Sincerely,

Sarah Morgan

SHM/ccc

Enclosure

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: \$27,000.00 **Date of payment:** _____

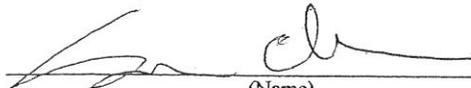
Program Title: Main Terrain Park

Description: This grant is in support of the Main Terrain Park located off of Main Street.

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:



(Name)
CITY of CHATTANOOGA PUBLIC WORKS

(Organization)
19 SEPT 2012

(Date)

(Name)
Lyndhurst Foundation

(Organization)

(Date)



City of Chattanooga
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT RESOURCE CENTER
ENGINEERING DIVISION
1250 MARKET STREET, SUITE 2100
Chattanooga, Tennessee 37402-2713

September 19, 2012

Mrs. Sarah Morgan
Lyndhurst Foundation
517 East Fifth Street
Chattanooga, TN 37403

Re: Project # R-11-001-802
(Main Terrain Art Park)

Dear Mrs. Morgan,

The City welcomes the opportunity to be able to partner with the Lyndhurst Foundation for the Main Terrain Art Park. This project will enhance the area, by providing an interactive art park in the Southside, that will have the Art Elements of Clearscapes Architecture + Art as the show pieces of this linear park.

Please find attached the Partnership Agreement, please have it executed in triplicate and returned to my attention so that we can move forward with the authorization to proceed.

Sincerely,

Dennis Malone
Assistant City Engineer

Attachments

Cc: Steve Leach, Administrator Public Works
Bill Payne, City Engineer
Larry Zehnder, Administrator Parks & Rec
Eric Booker, Project Coordinator
Central File

Engineering Division
(423)643-6190
Fax: (423)643-6008

Water Quality Program
(423)643-5877
FAX: (423)643-5862

Technical Information Center
(423)643-6033
FAX: (423)643-6027

PARTNERSHIP AGREEMENT

The City of Chattanooga and the Lyndhurst Foundation agree to enter into a Partnership Agreement for the **Main Terrain Art Park, Project No. R-11-001-802**. The City and the Lyndhurst Foundation agree that each party has certain responsibilities to make this project succeed. The following responsibilities of each party are as follows:

Lyndhurst Foundation Responsibilities:

1. The Lyndhurst Foundation has agreed to provide an additional \$27,000.00 in funding to this project as per the attached Grant agreement.
2. The Lyndhurst Foundation agrees with the efforts of the project team to get this project within budget by the Value Engineering and additional cost share.

City Responsibilities:

1. The City has accepted the Value Engineering for this project thru Council Resolution No. 27250 on September 18, 2012.
2. The City shall authorize the contractor of the Notice of Award on September 19 with anticipation that construction shall be begin as quickly as the contractor can get his Payment and Performance Bonds and submit back to the City the executed contract. Construction start date shall be no later than October 1, 2012.

The City and the Lyndhurst Foundation are in agreement to the above terms as they pertain to the Main Terrain Art Park Project and by the execution of signatures below enter into a Partnership Agreement.

PARTNERSHIP AGREEMENT

The 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.

Bonnie Clark *September 24, 2012*
Mr. Bruz Clark Date
Lyndhurst Foundation

The 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

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