

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
A SUPPLEMENTAL AGREEMENT TO MUNICIPAL AGREEMENT 10000013237
WITH NCDOT FOR INDEPENDENCE BOULEVARD BUSWAY RESTORATION**

RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA ON NOVEMBER 27, 2023, THIS RESOLUTION AUTHORIZES THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SUPPLEMENTAL AGREEMENT TO THE MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN AND CONSTRUCTION OF MODIFICATIONS TO THE BUSWAY ENTRANCE AND EXIT ON INDEPENDENCE BOULEVARD TO COVER THE UPDATED PROJECT COST OF \$1,700,000.

A motion was made by _____ and seconded by _____ for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes, as amended, units of local government of this State are authorized to enter into agreements with each other in order to execute any undertaking; and

WHEREAS, under Article 16 of Chapter 160A of the North Carolina General Statutes, cities are authorized to operate public enterprises including public transportation systems; and

WHEREAS, the City operates and provides, through the Charlotte Area Transit System (CATS), public transportation services within Mecklenburg County, both independently and pursuant to agreements with other entities; and

WHEREAS, the Independence Boulevard busway was closed during the construction of the Hawthorne Lane Bridge from the CityLYNX Gold Line Phase 2 project and was anticipated to remain closed while the NCDOT converted the busway into a toll facility as part of the Independence Boulevard widening project; and

WHEREAS, NCDOT funding shortfalls have delayed the busway conversion into a toll facility, leaving the busway needing interim work to restore busway operation; and

WHEREAS, the interim work will include modifying the entrance and exit of the busway near the Hawthorne Lane Bridge to restore busway operation; and

WHEREAS, under the municipal agreement, NCDOT will manage and execute the work and the busway will be reopened to CATS and emergency vehicle use in 2024; and

WHEREAS, the increased project cost requires a supplemental agreement with

NCDOT to cover the new total budget cost of \$1,700,000; and

WHEREAS, North Carolina General Statute §160A-461 requires that Interlocal Agreements “be ratified by resolution of the governing board of each unit spread upon its minutes”.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Charlotte, North Carolina hereby:

1. Authorizes the City Manager and his designees to negotiate and execute a supplemental agreement to the Municipal Agreement with the North Carolina Department of Transportation consistent with the terms as presented to City Council, with such technical corrections and modifications as may be necessary to effect the spirit and intent of the agreement;
2. Authorizes the Chief Executive Officer of the Charlotte Area Transit System to undertake all activities and measures necessary for the functional operation of the services agreed upon by the City in conjunction with this Municipal Agreement; and
3. Directs that this resolution and its adoption be reflected in the minutes of the Charlotte City Council.