



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING A \$177,109.43 INCREASE OF FUNDING FOR THE CA FLAP NEV 40(1) DONNER PASS ROAD PROJECT, AND AUTHORIZING UTILITY AGREEMENT NO.1 WITH LEVEL 3 COMMUNICATIONS, LLC., FOR RELOCATION OF UTILITIES ON DONNER PASS ROAD IN THE AMOUNT OF \$177,109.43- DISTRICT V

WHEREAS, the County entered a Memorandum of Understanding (MOU) with Federal Highway Administration, Central Federal Lands Highway Division (CFLHD), by adopting resolution 15-549; and

WHEREAS, during construction, utility conflicts on the Donner Pass Road Project were identified and are anticipated to cost \$491,970.62; and

WHEREAS, ATT Corp., Level 3 Communications, LLC., ATT-California and Zayo Group were unable to efficiently and effectively relocate their facilities and are responsible for the cost of relocation efforts; and

WHEREAS, CFLHD is unable to receive funds directly from ATT Corp., Level 3 Communications, LLC., ATT-California, and Zayo Group; and

WHEREAS, the County adopted Resolution 21-148 agreeing to reimburse Federal Highway Administration Central Land Division (CFLHD) up to \$491,970.62 of funding received from the utility companies for utility relocation work; and

WHEREAS, the expense and revenue for this project is included in the Road Capital Improvement budget for Fiscal Year 2021-22 and a budget amendment is not necessary; and

WHEREAS, Level 3 Communication, LLC's share of the \$491,970.62 cost for utility relocation work is \$177,109.43.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors:

1. Approves Utility Agreement No.1 with Level 3 Communications, LLC., in the amount of \$177,109.43.
2. Funds to be deposited to 1114-30154-702-1000 / 462000

3. Authorizes the Chair of the Board of Supervisors to execute, on behalf of the County of Nevada, the agreement between Nevada County and Level 3 Communication, LLC.