



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING A \$34,437.94 INCREASE OF FUNDING FOR THE CA FLAP NEV 40(1) DONNER PASS ROAD PROJECT, AND AUTHORIZING UTILITY AGREEMENT NO.1 WITH ZAYO GROUP FOR RELOCATION OF UTILITIES ON DONNER PASS ROAD IN THE AMOUNTY OF \$34,437.94- 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, Zayo Group's share of the \$491,970.62 cost for utility relocation work is \$34,437.94;

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

1. Approves Utility Agreement No.1 with Zayo Group in the amount of \$34,437.94
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 Zayo Group