

City Council – Action Request Form

Date: December 10, 2007

To: The City Manager

From: Gregory M. Turner, Assistant City Manager

Council Action Requested:

Resolution authorizing the City Manager to enter into assumption agreements with Brookstown Development Partners, LLC; Sports Menagerie, LLC; and Sports Menagerie Corporation to pass through federal funding for transportation improvements related to the construction of the new baseball stadium.

Summary of Information:

Public Law 109-59, the Safe Accountable Flexible Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) provides federal funds for specific transportation and pedestrian activities throughout the United States. The Federal Highway Administration (FHWA) has designated a total of \$1,718,000 in funding for roadway improvements to Peters Creek Parkway, First Street, Second Street, and Brookstown Avenue in Winston-Salem. These improvements are part of the infrastructure improvements needed for the new baseball stadium.

The North Carolina Department of Transportation (NCDOT) is responsible for administering the distribution of these federal SAFETEA-LU funds in North Carolina. On September 17, 2007, the City Council authorized the City Manger to execute a municipal agreement with the NCDOT to accept these SAFETEA-LU funds.

The construction work for these roadway improvements will be performed as part of the construction of the new stadium. The attached resolution authorizes the City Manager to enter into assumption agreements with Brookstown Development Partners, LLC; Sports Menagerie, LLC; and Sports Menagerie Corporation to pass through these federal funds. The assumption agreements will provide for these entities to assume all the responsibilities required of the City in the municipal agreement with NCDOT. The agreement with these entities will also indemnify and hold the City harmless for any expenses for the project not reimbursed by NCDOT. These entities will invoice the City for all eligible expenses and the City will, in turn, invoice the NCDOT. Upon receipt of the reimbursement funds from NCDOT, the City will transfer such funds to the appropriate entity.

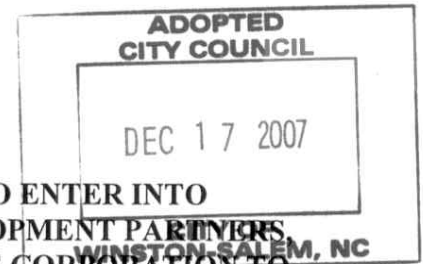
Committee Action:

Committee	<u>Finance 12/10/07</u>	Action	<u>Approval</u>
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For	<u>Unanimous</u>	Against	<u></u>
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Remarks:

D-27220
D-27026



RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO ASSUMPTION AGREEMENTS WITH BROOKSTOWN DEVELOPMENT PARTNERS, LLC; SPORTS MENAGERIE, LLC; AND SPORTS MENAGERIE CORPORATION TO PASS THROUGH FEDERAL FUNDING FOR TRANSPORTATION IMPROVEMENTS RELATED TO THE CONSTRUCTION OF THE NEW BASEBALL STADIUM

WHEREAS, Public Law 109-59, the Safe Accountable Flexible Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) provides federal funds for specific transportation and pedestrian activities throughout the United States; and

WHEREAS, the Federal Highway Administration (FHWA) has designated a total of \$1,718,000 in funding for roadway improvements to Peters Creek Parkway, First Street, Second Street, and Brookstown Avenue in Winston-Salem, which will serve the new baseball stadium; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) is responsible for administering the distribution of these federal SAFETEA-LU funds in North Carolina and on September 17, 2007, the City Council authorized the City Manger to execute a municipal agreement with the NCDOT to accept these SAFETEA-LU funds; and

WHEREAS, the construction of these road improvements will be performed by various entities responsible for constructing the new baseball stadium; and

WHEREAS, it is recommended that these federal funds pass through the City to those entities constructing these public roadway improvements.

NOW, THEREFORE, BE IT RESOLVED by the Winston-Salem City Council, that the City Manager is authorized to enter into assumption agreements with Brookstown Development Partners, LLC; Sports Menagerie, LLC; and Sports Menagerie Corporation to pass through federal funding for transportation improvements related to the construction of the new baseball stadium.