

SUBJECT: APPROVAL OF PROJECT ACTIONS FOR THE GLENMONT II PARKING GARAGE

**PROPOSED
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

WHEREAS, On March 17, 2006, the Board of Directors authorized Metro to hold a public hearing on the general plans and environmental evaluation of two potential locations for a second garage at the Glenmont Metrorail Station (Glenmont II). The Board of Directors also authorized the General Manager to release the draft public hearing staff report for public comment; and

WHEREAS, On September 21, 2006, the Board of Directors approved the Public Hearing Staff Report and Supplement; and

WHEREAS, On January 24, 2007, the Board of Directors approved an increase to the project budget to account for design enhancements requested by Montgomery County; and

WHEREAS, Bids have been received for the design/build construction contract and the 2007 project budget needs to be increased to cover the higher costs; and

WHEREAS, The project will be funded through the surcharge program and other funding provided by Montgomery County and requires the execution of three agreements between Metro and Montgomery County: a Project Agreement, a Ground Lease Agreement and a Facility Lease Agreement ("the Project Agreements"); and

WHEREAS, The Facility Lease Agreement contains indemnification language that requires approval from the Board of Directors; and

WHEREAS, The Board of Directors must approve the award of the design/build contract contingent upon the execution of the Project Agreements; now, therefore be it

RESOLVED, That the Board of Directors approves an increase to the project budget to the amount of \$30,121,000 to account for the bids received; and be it further

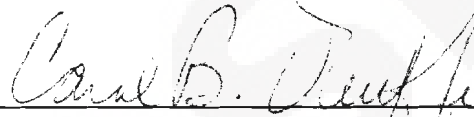
RESOLVED, That the Board of Directors authorizes staff to negotiate and execute the Project Agreements as well as any ancillary documents necessary to effectuate the funding and construction of the Glenmont II Garage; and be it further

RESOLVED, That the Board of Directors approves the indemnification language in the Facilities Lease Agreement, pursuant to which Metro agrees to indemnify the County and hold it harmless from all liabilities, suits, obligations, fines, damages, penalties, claims, costs, charges and expenses (including architect and attorneys fees), unless the same shall have been solely caused by gross negligence or willful act of the County; and be it further

RESOLVED, That, subject to the execution of the Project Agreements, the Board of Directors approves the award of the design/build contract; and be it finally

RESOLVED, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Carol B. O'Keeffe
General Counsel