

## SUPPLEMENTAL AGREEMENT NO. 1

PROJECT NO. S-77-2(1021), NEBRASKA CONTROL NO. 11395  
CITY OF LINCOLN, NEBRASKA  
STATE OF NEBRASKA, DEPARTMENT OF ROADS

THIS SUPPLEMENTAL AGREEMENT, entered into between the City of Lincoln, hereinafter referred to as "City"; and the State of Nebraska, Department of Roads, hereinafter referred to as "State",

WITNESSETH:

WHEREAS, the parties hereto entered into an agreement executed by the City October 7, 2002; and by the State October 18, 2002 providing for the improvement of the intersection of Highway US-77 and Capitol Parkway West, and

WHEREAS, it now becomes necessary that said agreement be supplemented to further define the items for which the City will participate in the cost of, the schedule of billing and payment, and to provide the current estimated project cost that had not been available in the original agreement.

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1. The parties hereto agree that on October 1, 2005, the State will bill the City for its share of the project cost that includes preliminary engineering, right-of-way, utility costs, construction and construction engineering. The City's share shall be the lump sum amount of \$2,595,634. The current estimated project cost is \$12,978,167.

Should any single change order be required that is over \$100,000, the City shall be responsible for 20% of the cost of said change orders in addition to the amount stipulated above.

Should the City request to add or change the project plans, for the sole benefit of the City, the City will pay 100% of the additional cost.

The City agrees to pay the State within 30 days after receipt of all billings from the State.

SECTION 2. Except as specifically amended by this Supplemental Agreement, all terms and conditions of the original agreement executed by the City October 7, 2002; and by the State October 18, 2002 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the City this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

WITNESS: CITY OF LINCOLN

\_\_\_\_\_  
Clerk Mayor

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS

\_\_\_\_\_  
Roadway Design Engineer

RECOMMENDED:

  
District Engineer

AGR7-PV