

SUPPLEMENTAL AGREEMENT NO. 1

CITY OF LINCOLN
LANCASTER COUNTY
STATE OF NEBRASKA, DEPARTMENT OF ROADS
PROJECT NOS. DPU-3300(3), DPU-2-6(117), DPU-2-6(118) AND DPU-2-6(119)
STATE CONTROL NOS. 12578, 12578A, 12578B AND 12578C
LINCOLN SOUTH BELTWAY

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

WITNESSETH:

WHEREAS, the City, County and State entered into an agreement (VL0201) executed by the City on April 30, 2002, by the County on April 23, 2002, and by the State on May 9, 2002, that provided for the design and construction of the new Lincoln South Beltway to facilitate traffic movement under the designation of DPU-3300(3) and,

WHEREAS, additional designations have been developed for the construction contracts, as shown on Exhibit "A", attached hereto and hereby made a part of this agreement, and

WHEREAS, federal earmarked funds have been allocated for the design and construction of the project, and

WHEREAS, it now becomes necessary that said agreement be supplemented to clarify any required match to the earmarked funds, and provide for the reimbursement to the State of the City's share of the project cost.

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

SECTION 1: Earmarked funds will be used to fund the preliminary engineering, utilities, right-of-way, construction and construction engineering. Any required match to the earmarked funds will be split equally by the City and the State.

SECTION 2: Project costs not covered by earmarked funds and associated match shall be split 20% City and 80% State as noted in the original agreement.

SECTION 3: The City agrees to reimburse the State for the City's share of the Lincoln South Beltway projects as outlined in Sections 1 and 2. The City's share is currently estimated at \$20.5 million. Upon execution of this agreement, the State will bill the City for its share of all known State incurred expenses. Thirty days prior to construction work beginning, the State will bill the City for approximately one month's advance of the City's share of construction costs. Based upon the City's estimated share and the construction

period this amount will be \$350,000. The State will bill the City thereafter in the amount of the City's share of the Contractor's progress estimates. When the work is completed and all costs accumulated, the State will prepare and submit a final statement to the City showing the refund due to or additional payment due from the City. The City agrees to pay the State within thirty days after receipt of a billing from the State.

SECTION 4: Except as specifically amended by the supplemental agreement, all terms and conditions of the agreement executed by the City on April 30, 2002, by the County on April 23, 2002, and by the State on May 9, 2002 shall remain in full force and effect.

IN WITNESS WHEREOF, the City, County and State 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 _____, 2005.

ATTEST: CITY OF LINCOLN

Clerk

Mayor

EXECUTED by the County this ____ day of _____, 2005.

ATTEST: LANCASTER COUNTY

Clerk

Chairperson, County Board

EXECUTED by the State this ____ day of _____, 2005.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
John L. Craig

Director

STATE OF NEBRASKA)
)ss.
LANCASTER COUNTY)

Subscribed and sworn to before me this ____ day of _____, 2005.

Notary Public

RECOMMENDED:

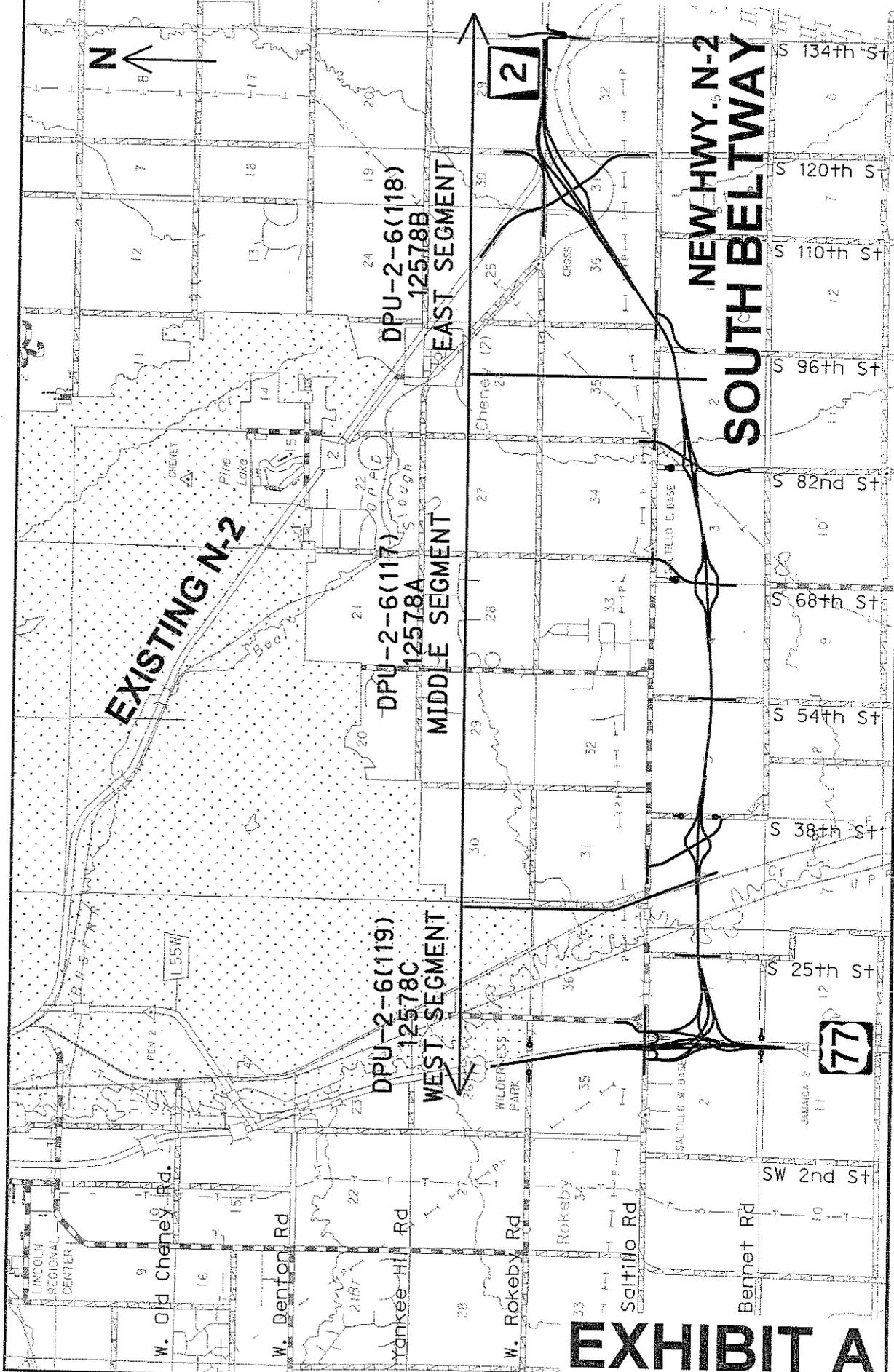


District Engineer

agrs13-zj

Project Nos. DPU-3300(3),
DPU-2-6(117), DPU-2-6(118
and DPU-2-6(119)
Control Nos. 12578, 12578A, 12578B
and 12578C
Lincoln South Beltway

LINCOLN SOUTH BELTWAY



EXISTING N-2

**DPU-2-6(118)
12578B
EAST SEGMENT**

**DPU-2-6(117)
12578A
MIDDLE SEGMENT**

**DPU-2-6(119)
12578C
WEST SEGMENT**

**NEW HWY. N-2
SOUTH BELTWAY**

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EXHIBIT A