

AMENDMENT NO. 1
INTERLOCAL AGREEMENT

This Amendment No. 1 to the Interlocal Agreement is made and entered into by and between the City of Lincoln, Lancaster County Railroad Transportation Safety District (“District”) and the City of Lincoln, Nebraska, a municipal corporation (“City”).

WHEREAS, the District and City entered into an Interlocal Agreement on July 14, 2005 for the S.W. 40th Street/BNSF Overpass project, City Project No. 700132; and

WHEREAS, paragraph 1 of the Interlocal Agreement regarding Duration, states that the duration of the Agreement shall be until the completion of all obligations but no more than three years from the date of execution of the Agreement; and

WHEREAS, the project schedule has been lengthened due in part to discussions with BNSF and design considerations of soil stability and the parties desire to remove the duration language in order to avoid agreement termination.

NOW, THEREFORE, the District and City, in consideration of the above recitals, do hereby agree as follows:

1. That paragraph 1 of the Interlocal Agreement be amended by amending paragraph 1 to read as follows:

1. Duration. The duration of this Agreement shall be until the completion of all obligations hereunder.

2. That all other conditions of said Interlocal Agreement shall remain in full force and effect, except as modified by this Amendment No. 1.

Executed by the District this ____ day of _____, 2008.

CITY OF LINCOLN LANCASTER COUNTY
RAILROAD TRANSPORTATION SAFETY DIST.

Attest:

Chairperson

Executive Director

Executed by the City this ____ day of _____, 2008.

Attest:

CITY OF LINCOLN, NEBRASKA
a municipal corporation,

City Clerk

Chris Beutler, Mayor