

SUPPLEMENTAL AGREEMENT NO. 2

PROJECT NO. NH-6-6(154)
CONTROL NO. 12265
CITY OF LINCOLN
STATE OF NEBRASKA, DEPARTMENT OF ROADS
LOCATION STUDY, ENVIRONMENTAL DOCUMENT AND LOCATION PUBLIC HEARING

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

WITNESSETH:

WHEREAS, the City and State entered into an Original Agreement, executed by the City on June 11, 2003, and by the State on June 27, 2003, and Supplemental Agreement No. 1 executed by the City on April 15, 2009 and by the State on May 1, 2009 agreeing to develop the Location Study concepts, complete the Environmental Document and conduct a Location Public Hearing, and to participate in the total cost of said Study, and

WHEREAS, the cost of the Study has increased due to additional services necessary to complete the Study, and subsequently it now becomes necessary to update the project estimate.

WHEREAS, the City desires the additional services necessary to complete the Study as evidenced by the Resolution of the City Council dated the ___ day of _____, 2009, attached hereto, identified as Exhibit "B," and hereby made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the State and City agree as follows:

SECTION 1. The project estimate has been increased from \$848,000.00 to \$1,300,000.00. The City will reimburse the State for 20 percent of the total cost of the study which is now estimated to be \$260,000.00. The City and State realize that this cost is an updated estimate, and that the final actual costs may be higher or lower than this revised estimate. The cost participation for Preliminary and Final design will be subject of a future agreement.

SECTION 2. The City agrees that the State may at its discretion initiate progress invoices for costs incurred by the State during the progression of the project and the City agrees to pay those invoices within thirty days of their receipt.

SECTION 3. Except as specifically amended by this Supplemental Agreement, all terms and conditions of the original agreement, 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 _____, 2009.

ATTEST:

CITY OF LINCOLN

Clerk

Mayor

EXECUTED by the State this ____ day of _____, 2009.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Mike Owen, P.E.

Planning and Project Development Engineer

RECOMMENDED:
Richard J. Ruby

District 1 Engineer

CQ/AGRC4-NV