

SUPPLEMENTAL AGREEMENT NO. 2

CITY OF LINCOLN
LANCASTER COUNTY
STATE OF NEBRASKA, DEPARTMENT OF ROADS
PROJECT NOS. DPU-3300(3), DPU-LIN-2-6(120), AND DPU- LIN-2-6(121)
STATE CONTROL NOS. 12578, 12578D AND 12578E
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 Lincoln South Beltway under the designation of DPU-3300(3). Further, Supplemental Agreement No. 1, that provides for clarification of the cost share between the parties and reimbursement to the State for City's share of the costs, was executed by the City on November 30, 2005, by the County on December 13, 2005, and by the State on January 4, 2006, and

WHEREAS, State has Federal aid Interstate reconstruction projects for which City has no required cost participation located within the Lincoln Municipal Planning Organization's (MPO) planning area. These projects are shown below in Section A, and

WHEREAS, the City and State have agreed that City will share the cost of the above mentioned State projects and that the credit to City for City's cost participation in those projects be applied to this project, and

WHEREAS, City has federal funds available due to federal funds being de-obligated on the Antelope Valley Project, and

WHEREAS, supplement #1 to agreement XL0450, attached hereto as Exhibit "D" and made a part of this agreement, executed by State on June 20, 2008 and City on June 18, 2008, provided for a one-time payment to City for \$1,320,000 for State's participation in City's Antelope Valley Improvement O Street Bridge project, and

WHEREAS City agrees that this one-time payment be used to reduce City's cost on the Lincoln South Beltway Project, and

WHEREAS, it now becomes necessary that said sections of Supplemental Agreement No.1 be supplemented to provide for the credit to the City for costs shared on the projects

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shown in Section 1 below, and

WHEREAS, the Mayor is authorized by the City Council to sign this supplemental agreement as evidenced by the resolution of the City Council, attached hereto as Exhibit "E" and made a part of this agreement.

WHEREAS, the Chairperson is authorized by the County Board to sign this supplemental agreement as evidenced by the resolution of the County Board, attached hereto as Exhibit "F" and made a part of this agreement.

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

SECTION 1: Section 3 of Supplemental Agreement No. 1 is amended to include the following:

A: Parties agree that the City will participate in the cost of the following State Interstate reconstruction projects within the City's Lincoln MPO. The projects are as follows:

- i. Project number IM-NH-80-9(862), CN 12489, known as NW 56th to US- 77, South Interchange, Lincoln.
- ii. Project number IM-NH-80-9(863), CN 12490, known as NW 48th Street Bridge, Lincoln.
- iii. Project number IM-NH-80-9(864), CN 12491, known as NW 56th Street Bridge, Lincoln.

B: The Parties agree State will obligate City's federal apportionment for federal fiscal years 2014 and 2015 as they become available to pay toward the cost for projects referenced in subsection A, above. The full value of City federal spending authority, less any cost for City's requested work on the projects shown in subsection A, above, shall be credited to City's cost for the Lincoln South Beltway project.

C: Further, the Parties agree that City's de-obligated Federal funds for multiple projects (as shown below), which were all a part of the City's federal aid Antelope Valley Improvement project, have resulted in a \$4,885,273.26 of federal aid funds being available to City. State agrees it will obligate these funds on the projects shown in subsection A of this supplemental agreement and apply the amount obligated as credit to City's agreed cost for the Lincoln South Beltway project.

Control No.	Project No.	Credit
11215B	55(143)	\$123,625.85
11215D	5242(3)	\$145,052.35
11215E	55(144)	\$637,841.70
11215F	5242(4)	\$182,620.85
11215G	5257(1)	\$3,707,332.51
11215H	5234(1)	\$88,800.00
11215I	34-6(135)	See "D", Below
	Total	\$4,885,273.26

D: City and State agree that the one-time payment of \$1,320,000 agreed to in Supplement #1 to agreement XL0450, attached hereto as Exhibit "D", will be applied to the Lincoln South Beltway to reduce City's agreed cost.

SECTION 2: Except as specifically amended by this 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 and in Supplemental Agreement No. 1 executed by the City on November 30, 2005, by the County on December 13, 2005, and by the State on January 4, 2006 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 _____, 2014.

ATTEST:
Teresa J. Meier

CITY OF LINCOLN
Chris Beutler

City Clerk

Mayor

EXECUTED by the County this ____ day of _____, 2014.

ATTEST:
Dan Nolte

LANCASTER COUNTY
Larry Hudkins

County Clerk

Chairperson, County Board

EXECUTED by the State this ____ day of _____, 2014.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
James J. Knott, P.E.

Roadway Design Engineer

RECOMMENDED:
Thomas Goodbarn, P.E.



District One Engineer

AGRC9-NO

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Lincoln South Beltway



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS
John L. Craig, Director
1500 Highway 2 • PO Box 94739 • Lincoln NE 68509-4739
Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

June 3, 2008

Mr. Wayne Teten, P.E.
Antelope Valley Project Manager
Public Works & Utilities Department
P.O. Box 84608
Lincoln, NE 68501

Dear Mr. Teten,

This letter shall serve to supplement the Antelope Valley "O" Street Bridge and Roadway Agreement No. XL0450 signed by the City of Lincoln on July 15, 2004 and by the Nebraska Department of Roads on August 5, 2004.

It becomes necessary that the original program agreement be supplemented to allow State funds to participate towards eligible project costs.

From the original program agreement, the third WHEREAS statement on page 2 indicates "that no State funds are to be expended on this project". This statement is voided. Also, SECTION 12, first paragraph, second sentence states "The State agrees to reimburse the City, using Federal Funds..." This sentence is amended to include State Funds.

The State share will be a maximum of \$1,320,000 and will be applied towards eligible Construction expenses. The City's share will be 100% of the Preliminary Engineering, Utility and Right-of-Way costs and all Construction related costs that exceed the State's maximum reimbursement amount.

After this supplemental agreement has been executed by the City and State, the State will reimburse the City a one-time lump sum payment of \$1,320,000.

Except as specially amended by this supplemental agreement, all terms and conditions of the original agreement remain in full force and effect.

The City warrants to the State that the Mayor is aware of and supports the above described project changes for the Antelope Valley "O" Street Bridge and Roadway project.

Richard R. Ruby 05/21/08
Richard R. Ruby, P.E. Date
District 1 Engineer

Wayne W. Teten 6/3/08
Wayne W. Teten, P.E. Date
Antelope Valley Project Manager

Marty W. Fredrickson 6/20/08
Marty W. Fredrickson Date
Deputy Director - Engineering

MWF/ss
cc: Marilyn Hayes
Jim Miller
Project File

XL0450 Supp #1

An Equal Opportunity/Affirmative Action Employer

EXHIBIT "D"