

**SECOND SUPPLEMENTAL INTERLOCAL CONTRACT
LAS VEGAS WASH
ELKHORN, RAINBOW BLVD. TO TORREY PINES DRIVE**

THIS SECOND SUPPLEMENTAL INTERLOCAL CONTRACT made and entered into as of the 9th day of November, 2006 by and between the Clark County Regional Flood Control District, hereinafter referred to as "DISTRICT" and the CITY OF LAS VEGAS, hereinafter referred to as "CITY".

W I T N E S S E T H

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and

WHEREAS, the flood control improvements proposed herein are the same as those generally identified in the 2002 Master Plan as Structure Number LVMD 2500 hereinafter referred to as "PROJECT"; and

WHEREAS, the PROJECT is identified and shown on the attached Exhibit "A"; and

WHEREAS, the PROJECT has been approved by the DISTRICT on its annual Ten Year Construction Program; and

WHEREAS, the PROJECT has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley.

WHEREAS, the DISTRICT entered into an Interlocal Contract for design on January 12, 2006 and a First Supplemental Interlocal Contract dated May 18, 2006 to increase funding for design engineering; and

WHEREAS, the CITY wishes to increase funding and add a line item for right-of-way costs.

NOW, THEREFORE, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the CITY agree to the following:

SECTION II - PROJECT COSTS shall be revised to read as follows:

The DISTRICT agrees to fund project costs within the limits specified below:

1. The engineering and design shall not exceed \$345,000.

2. Preparation of right-of-way drawings, descriptions, title reports of the right-of-way required and appraisals at a cost not to exceed \$15,000.
3. The total cost of the contract shall not exceed \$360,000 which includes all of the items described in the paragraphs above.
4. A written request must be made to the DISTRICT and approved by the Board to reallocate funds between phases of the project. No other approval by the Lead Entity is required.
5. A written request must be made to the DISTRICT and a Supplemental Interlocal Contract approved by the Board to increase the total cost of the contract noted above prior to payment of any additional funds.

SECTION III – GENERAL, paragraph 10 shall be revised to read as follows:

10. The DISTRICT will pay the CITY, or make payment directly to its contractor or its consultant, each month for project costs as outlined in SECTION II – PROJECT COSTS. Invoices must identify and allocate all costs to the categories noted below:
 - a. Right-of-Way acquisition including appraisals, title and escrow, negotiations, legal fees, recording fees, etc.
 - b. Pre-design Engineering (all work prior to design, excluding right-of-way)
 - c. Design Engineering
 - d. Construction Engineering
 - e. Construction (all work after award of construction contract)
 - f. Environmental: Costs incurred by the Lead Entity for the preparation of environmental documentation applicable to the PROJECT and costs incurred for the implementation of mitigation measures provided in an environmental document (e.g., EIS or EA)
 - g. Other including landscaping, flood insurance rate map amendments or revisions, etc.

The remainder of the original Interlocal Contract dated January 12, 2006, and the First Supplemental Interlocal Contract dated May 18, 2006 shall remain unchanged.

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IN WITNESS WHEREOF, this Second Supplemental Interlocal contract is hereby executed as of the date first set forth above.

Date of District Action: REGIONAL FLOOD CONTROL DISTRICT

November 9, 2006
ATTEST:

BY: Lawrence L. Brown III
LAWRENCE L. BROWN, III, Chairman

Carolyn Frazier
CAROLYN FRAZIER
Secretary to the Board

Approved as to Form:

BY: Chris Figgins
CHRISTOPHER FIGGINS
Chief Deputy District Attorney

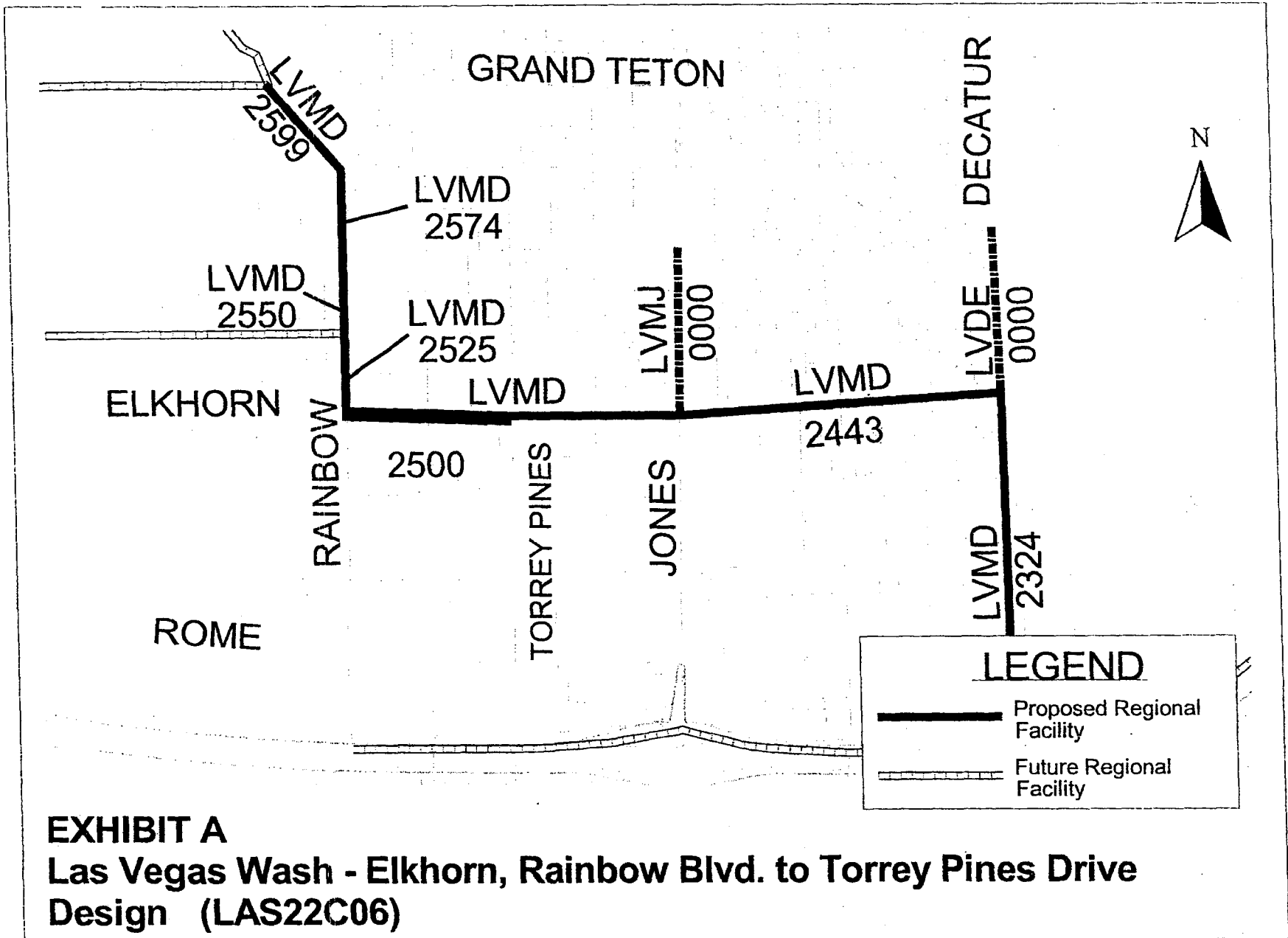
Date of Council Action: CITY OF LAS VEGAS

December 6, 2006
ATTEST:

BY: Oscar B. Goodman
OSCAR B. GOODMAN, Mayor

Barbara Jo Ronemus
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM
Thomas R. Green 11/15/06
Thomas R. Green Date
Deputy City Attorney



LEGEND



-  Proposed Regional Facility
-  Future Regional Facility

EXHIBIT A
Las Vegas Wash - Elkhorn, Rainbow Blvd. to Torrey Pines Drive
Design (LAS22C06)

LAS22C06
 (11)

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