

**SECOND SUPPLEMENTAL INTERLOCAL CONTRACT
TENAYA WAY OVERPASS, WESTCLIFF DRIVE TO WASHINGTON AVENUE**

THIS SECOND SUPPLEMENTAL INTERLOCAL CONTRACT, made and entered into this 19th day of November, 2008 by and between the CITY OF LAS VEGAS, a municipal corporation, hereinafter referred to as the "CITY" and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WITNESSETH

WHEREAS, pursuant to Chapter 373 of the Nevada Revised Statutes, a Project to design, purchase right-of-way, perform construction inspection and construct roadway improvements for Tenaya Way Overpass, Westcliff Drive to Washington Avenue located wholly within the CITY, has been approved by the Regional Transportation Commission.

WHEREAS, the parties have executed an Interlocal Contract dated June 12, 2002 and a First Supplemental Interlocal Contract dated May 18, 2006 for the design and construction of Tenaya Way Overpass, Westcliff Drive to Washington Avenue;

WHEREAS, the CITY desires to increase total project funding, extend the date of completion and receive a revised Authorization to Proceed.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, the RTC authorizes the CITY to proceed with the PROJECT as it is mutually understood and agrees as follows.


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

The RTC agrees to provide funding for project costs according to Section 6.1 REIMBURSEMENT COSTS of the Policies and Procedures Manual of the RTC within the limits specified below:

1. The total cost for engineering design, contract administration, surveying, inspection, testing, right-of-way engineering, right-of-way negotiations and acquisition, utility relocation and construction shall not exceed \$9,450,000 which includes all of the above items.
2. The City will receive a revised "Authorization to Proceed" for construction at a cost not to exceed \$8,195,000, engineering at a cost not to exceed \$1,190,000, right-of-way acquisition at a cost not to exceed \$40,000 and right-of-way drawings, descriptions and obtaining appraisals at a cost not to exceed \$25,000.
3. A written request must be made to the RTC and an additional supplemental interlocal contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

IN WITNESS WHEREOF, this Supplemental Interlocal Contract is hereby executed as of the date first set forth below:

APPROVED AS TO LEGALITY AND FORM:


ZEV KAPLAN, GENERAL COUNSEL

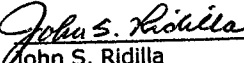
DATE OF COUNCIL ACTION:

CITY OF LAS VEGAS

11-19-08
ATTEST:

By: 
OSCAR B. GOODMAN, MAYOR

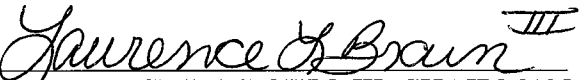

BEVERLY K. BRIDGES, CMCO
CITY CLERK

Approved as to form
 10/15/08
John S. Ridilla Date
Deputy City Attorney

DATE OF COMMISSION ACTION:

REGIONAL TRANSPORTATION COMMISSION
OF SOUTHREN NEVADA

10/9/08
ATTEST

By: 
LAWRENCE L. BROWN, III, CHAIRMAN


TONI MICHENER
EXECUTIVE ASSISTANT