

## SECOND SUPPLEMENTAL INTERLOCAL CONTRACT

### ELKHORN SPRINGS AND BUFFALO STORM DRAIN

THIS SECOND SUPPLEMENTAL INTERLOCAL CONTRACT made and entered into as of the 8<sup>th</sup> day of January, 2009 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".

### WITNESSETH

**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 Master Plan as Structure Numbers EKBK 0000, 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 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 Interlocal Contract dated July 12, 2007 and Supplemental Interlocal Contract dated February 14, 2008, were entered into between the DISTRICT and the CITY; and

**WHEREAS**, the CITY wishes to increase funding for design engineering and extend the date of completion; and

**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 changed to read as follows:**

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

1. The engineering and design shall not exceed \$290,000.
2. Preparation of right-of-way drawings, descriptions, title reports of the right-of-way required, and appraisals at a cost not to exceed \$5,000.

3. Environmental Mitigation in an amount not to exceed \$5,000.
4. The total cost of the contract shall not exceed \$300,000 which includes all of the items described in the paragraphs above.
5. 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.
6. 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 14 shall be revised to read as follows:**

14. The items covered in SECTION II - PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to December 31, 2010. The DISTRICT may, at any time thereafter, grant extensions or terminate this CONTRACT after thirty (30) days notice.

The remainder of the Interlocal Contract dated July 12, 2007 and the First Supplemental Interlocal Contract dated February 14, 2008 shall remain unchanged.

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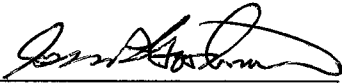
IN WITNESS WHEREOF, the Parties have caused this Second Supplemental Interlocal Contract to be executed by their duly authorized representatives the day and year first above written.

Date of Council Action

3/4/09

City of Las Vegas

By:



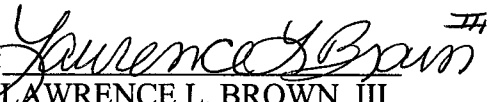
Oscar B. Goodman, Mayor

Date of District Action

January 8, 2009

Regional Flood Control District

By:

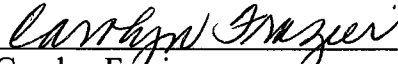


LAWRENCE L. BROWN, III,  
Chairman

Attest

By:   
Beverly K. Bridges, CMC  
City Clerk

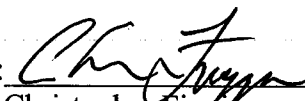
Attest

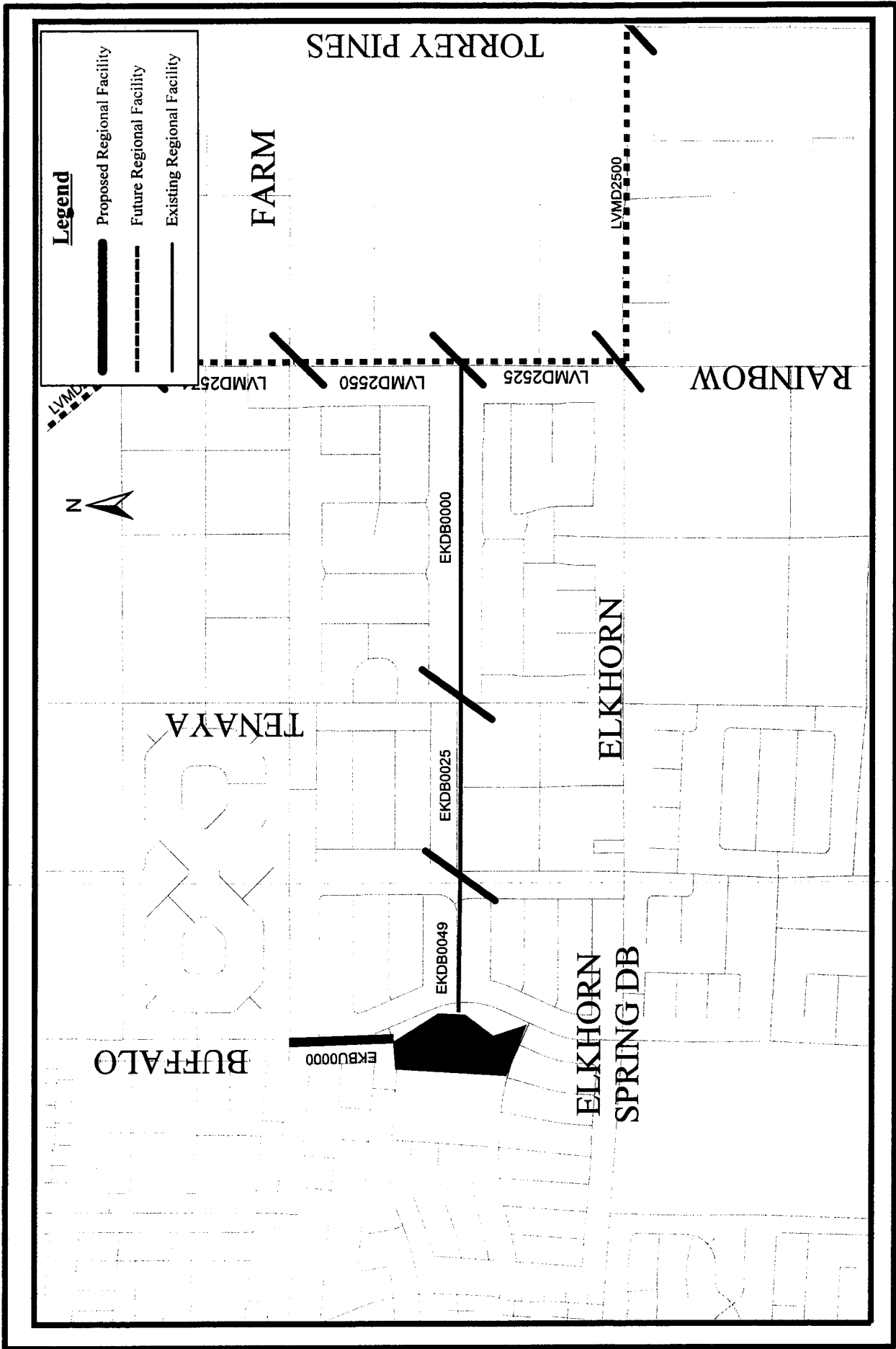
By:   
Carolyn Frazier  
Secretary to the Board

Approved as to form

By: John S. Ridella 1/14/09  
Deputy City Attorney Date

Approved as to Form

By:   
Christopher Figgins Date  
Chief Deputy District Attorney



**EXHIBIT A**  
**ELKHORN SPRINGS AND BUFFALO STORM DRAIN ( LAS22G07)**

JUN 07

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