

**SUPPLEMENTAL INTERLOCAL CONTRACT NO. 5
US-95 HORSE DRIVE INTERCHANGE, TEEPEE LANE TO BRENT LANE**

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 5 made and entered into this 5TH day of August, 2009 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, RTC approved an Interlocal Contract on June 12, 2003 and supplemental interlocal contracts on November 9, 2006, August 14, 2008, November 13, 2008 and March 12, 2009 for a project to design, purchase right-of-way, perform construction inspection and construct roadway improvements for Horse Drive Interchange at US-95, being located wholly within the CITY; and

WHEREAS, the RTC previously granted "Authorization to Proceed" for construction, and right-of-way acquisition; and,

WHEREAS, the CITY desires to decrease funding for the Project.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually agreed to supplement the Interlocal Contract for the Project 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 construction, engineering, right-of-way acquisition and right-of-way other shall not exceed \$22,318,000.
2. The City will be issued a revised "Authorization to Proceed" for construction at a cost not to exceed \$5,068,000, engineering design at a cost not to exceed \$5,050,000, right-of-way acquisitions at a cost not to exceed \$12,000,000, and right-of-way other at a cost not to exceed \$200,000 at the time written Authorization to Proceed is received from the RTC. The "Revised Authorization to Proceed" shall state a specific amount within the total estimated cost of the Project and, upon approval by the RTC, only that amount shall be encumbered and allocated.
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.

The remainder of the Interlocal Contract dated June 12, 2003, and supplemental interlocal contracts dated November 9, 2006, August 14, 2008, November 13, 2008 and March 12, 2009 shall remain unchanged.

IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 5 is effective as of the date first set forth above.

Date of Commission Action:

6/11/09

REGIONAL TRANSPORTATION COMMISSION

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

Attest:

Lisa Magnusson
LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

Zey Kaplan
ZEY KAPLAN, General Counsel

Date of Council Action:

August 5, 2009

CITY OF LAS VEGAS

BY: Gary Reese
OSCAR B. GOODMAN, Mayor
Gary Reese, Mayor Pro-Tem

Attest:

Beverly K. Bridges
BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form and Legality:

John S. Richila
Deputy City Attorney

6/22/09

Date