

SUPPLEMENTAL INTERLOCAL CONTRACT NO. 4**MARTIN L. KING, PALOMINO LANE TO CAREY AVENUE**

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 4, made and entered into this TH day of OCTOBER, 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, a Project to design, purchase right-of-way, perform construction inspection and construct roadway improvements for the Martin L. King Boulevard, Palomino Lane (north end of the Martin L. King/Industrial Connector) to Carey Avenue, which is wholly within the CITY, has been approved by the Regional Transportation Commission.

WHEREAS, the parties have executed an Interlocal Contract dated June 10, 2004 and supplemental interlocal contracts on May 19, 2005, December 14, 2006 and November 13, 2008 for the design, construction, and right-of-way of Martin L. King Boulevard, Palomino Lane to Carey Avenue; and

WHEREAS, the CITY desires to increase total project funding.

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 construction, engineering, right-of-way acquisition and right-of-way other shall not exceed \$32,125,000.
2. The City will be issued a revised "Authorization to Proceed" for construction at a cost not to exceed \$26,125,000, engineering design at a cost not to exceed \$200,000, right-of way acquisition at a cost not to exceed \$5,700,000 and right-of-way other at cost not to exceed \$100,000 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.

All other terms of the Interlocal Contract dated June 10, 2004 and supplemental interlocal contracts dated May 19, 2005, December 14, 2006 and November 13, 2008 shall remain unchanged.

IN WITNESS WHEREOF, this SUPPLEMENTAL INTERLOCAL CONTRACT NO. 4 is effective as of the date first set forth above.

Date of Commission Action:

8/13/09

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:

Zev Kaplan
ZEV KAPLAN, General Counsel

Date of Council Action:

October 7, 2009

CITY OF LAS VEGAS

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

Attest:

Vicky Darling
~~BEVERLY K. BRIDGES, CMC~~
City Clerk **By Vicky Darling, CMC**
Acting City Clerk

Approved as to Form and Legality:

John S. Rodella 9/3/09
Deputy City Attorney Date