

FIFTH SUPPLEMENTAL INTERLOCAL CONTRACT

GOWAN NORTH CHANNEL, EL CAPITAN WAY TO THE WESTERN BELTWAY

THIS FIFTH SUPPLEMENTAL INTERLOCAL CONTRACT made and entered into as of the 12th day of August, 2010 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 2008 Master Plan, as Structure Numbers GOBW 0000, GOBW 0048, GONO 0234, GONO 0272, GONO 0325, GONO 0335 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, an Interlocal Contract was entered into between the DISTRICT and the CITY on January 12, 2006, December 14, 2006, November 13, 2008, May 21, 2009, and May 20, 2010; and

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

WHEREAS, the CITY wishes to decrease funding for the project.

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 as follows:

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

1. Construction management at a cost not to exceed \$176,250.

2. Construction at a cost not to exceed \$7,520,000.
3. The total cost of the contract shall not exceed \$7,696,250 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.

The remainder of the Interlocal Contract dated January 12, 2006, First Supplemental Interlocal Contract date December 14, 2006, Second Supplemental Interlocal Contract dated November 13, 2008, Third Supplemental Interlocal Contract dated May 21, 2009 and Fourth Supplemental Interlocal Contract dated May 20, 2010 shall remain unchanged.

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

Date of Council Action

Date of District Action

10-6-10

August 12, 2010

City of Las Vegas

Regional Flood Control District

By: [Signature]
Oscar B. Goodman
Mayor

By: [Signature]
Lawrence L. Brown, III
Chairman

Attest

Attest

By: [Signature]
Beverly K. Bridges, MMC
City Clerk

By: [Signature]
Carolyn Frazier
Secretary to the Board

Approved as to Form

Approved as to Form

By: [Signature] 8/24/10
Deputy City Attorney Date

By: [Signature] Aug 12, 2010
Christopher Figgins Date
Chief Deputy District Attorney

