

SECOND SUPPLEMENTAL INTERLOCAL CONTRACT

Oakey Drain – CAHLAN TO BARNARD

THIS SECOND SUPPLEMENTAL INTERLOCAL CONTRACT made and entered into as of the 13th day of October, 2011 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 2008 Master Plan Update, as facilities FWOK 0076 and 0100 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 annual 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; and

WHEREAS, the Interlocal Contract dated May 19, 2011 and First Supplemental Interlocal Contract dated July 14, 2011 were entered into between the CITY and the DISTRICT; and

WHEREAS, the City desires to increase project construction funding.

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 to read as follows:

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

1. Construction Management at a cost not to exceed \$346,000.
2. Construction at a cost not to exceed \$5,290,000.

3. The total cost of the contract shall not exceed \$5,636,000 which includes all of the items described in the paragraphs above.
4. Sufficient DISTRICT funds are now available for the PROJECT. Therefore, the DISTRICT is able to meet its obligation to fully fund the PROJECT and reimburse the CITY for advanced PROJECT costs, without interest, for eligible PROJECT costs incurred after March 10, 2011.
5. If at any time during the term of this Contract the entity determines that a portion of the funds provided pursuant to this Contract, will not be needed for the project, then the entity will notify the District in writing of the amount of funds that are not anticipated to be used for the project. Upon receipt of said notification the District's obligation to pay the maximum amount set forth herein will automatically be reduced by the amount specified in the notification.
6. 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.
7. 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.

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The remainder of the original Interlocal Contract dated May 19, 2011 and First Supplemental Interlocal Contract dated July 14, 2011 shall remain unchanged.

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

December 7, 2011

Date of District Action

October 13, 2011

City of Las Vegas

Regional Flood Control District

By: Carolyn G. Goodman
Carolyn G. Goodman, Mayor

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

Attest

Attest

By: Vicky Skilbred
~~Beverly K. Bridges, MMC~~
~~City Clerk~~

By: Carolyn Frazier
Carolyn Frazier
Secretary to the Board

By: Vicky Skilbred, MMC
Acting City Clerk

Approved as to form

Approved as to Form

By: John S. Ridilla 10/24/11
Deputy City Attorney Date
John S. Ridilla
Deputy City Attorney

By: Christopher Figgins Oct 13 2011
Christopher Figgins Date
Chief Deputy District Attorney



LEGEND

— PROPOSED REGIONAL
STORM DRAIN FACILITY

- - - EXISTING STORM
DRAIN FACILITY

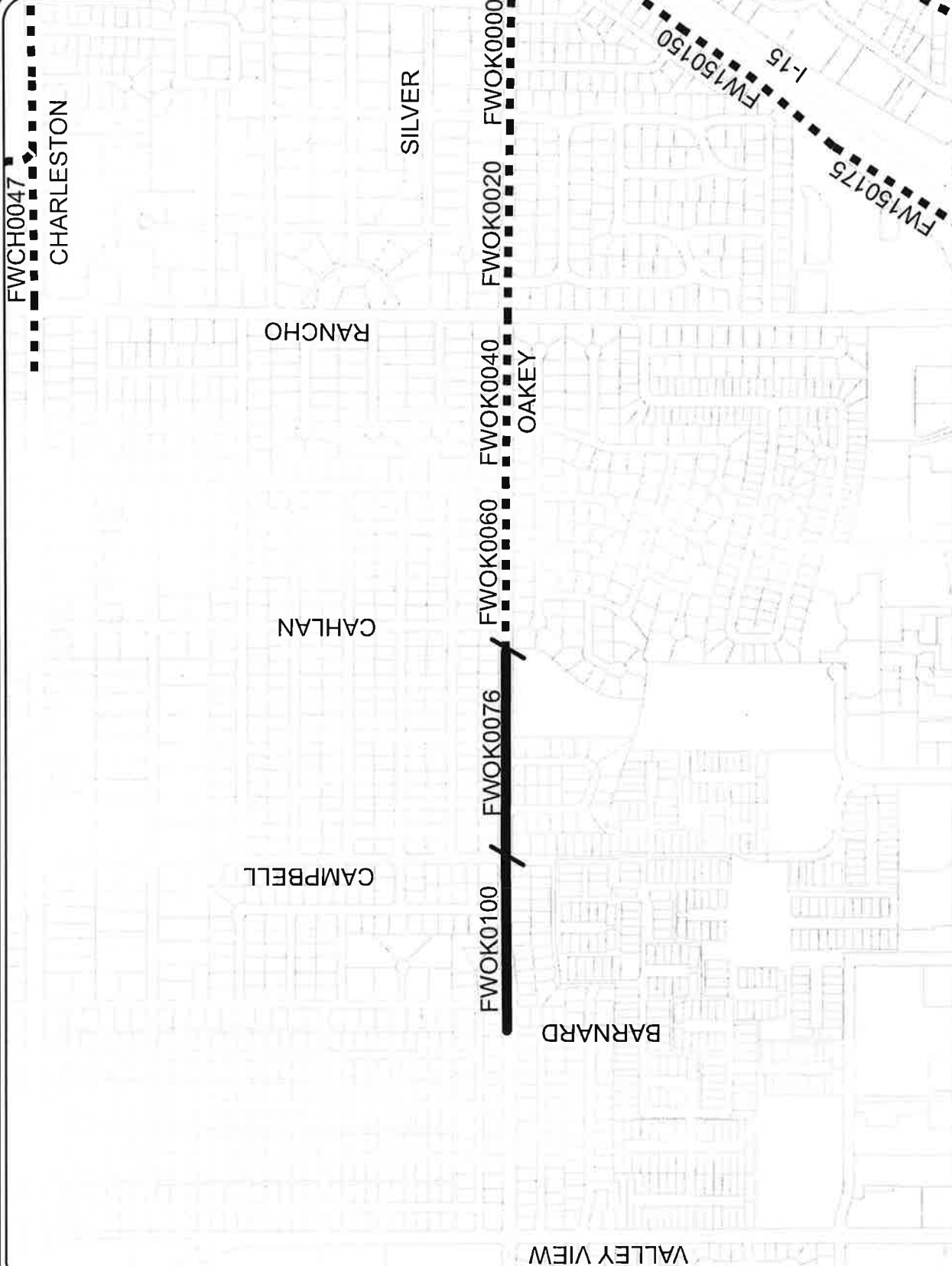
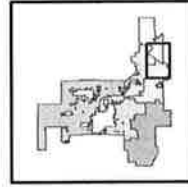


EXHIBIT A
OAKLEY DRAIN - CAHLAN DRIVE TO BARNARD DRIVE
(LAS28B11)

Due to continuous development activity
this map is for reference only.

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0 440 880
Feet