

THIRD SUPPLEMENTAL INTERLOCAL CONTRACT

OAKEY – MEADOWS STORM DRAIN, PHASE I

THIS THIRD 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 LCME 0026, 0028, 0040 and 0070; MEOK 0000, 0017, and 0048; and MEPA 0022 and 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 November 13, 2008, First Supplemental Interlocal Contract dated January 14, 2010 and Second Supplemental Interlocal Contract dated May 19, 2011 were entered into between the CITY and the DISTRICT; and

WHEREAS, the City wishes to decrease project funding for construction and extend the project completion date.

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 \$1,000,000.

2. Construction at a cost not to exceed \$11,731,114.
3. The total cost of the contract shall not exceed \$13,181,114 which includes all the items described in the paragraphs above.
4. 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.
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 15 shall be revised to read as follows:

15. The items covered in SECTION II – PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to June 30, 2012. The DISTRICT may, at any time thereafter, grant extensions or terminate this CONTRACT after thirty (30) days notice.

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The remainder of the original Interlocal Contract dated November 13, 2008, First Supplemental Interlocal Contract dated January 14, 2010 and Second Supplemental Interlocal Contract dated May 19, 2011 shall remain unchanged.

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

Date of Council Action

December 21, 2011

Date of District Action

October 13, 2011

City of Las Vegas

Regional Flood Control District

By: Carolyn Goodman
Carolyn G. Goodman, Mayor

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

Attest

Attest

By: Beverly K. Bridges
Beverly K. Bridges, MMC
City Clerk

By: Carolyn Frazier
Carolyn Frazier
Secretary to the Board

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



Flood Control Planning

LEGEND

PROPOSED
MPU FACILITY

EXISTING
MPU FACILITY

PROPOSED
MPU FACILITY

**EXISTING MEADOWS
DETENTION BASIN**

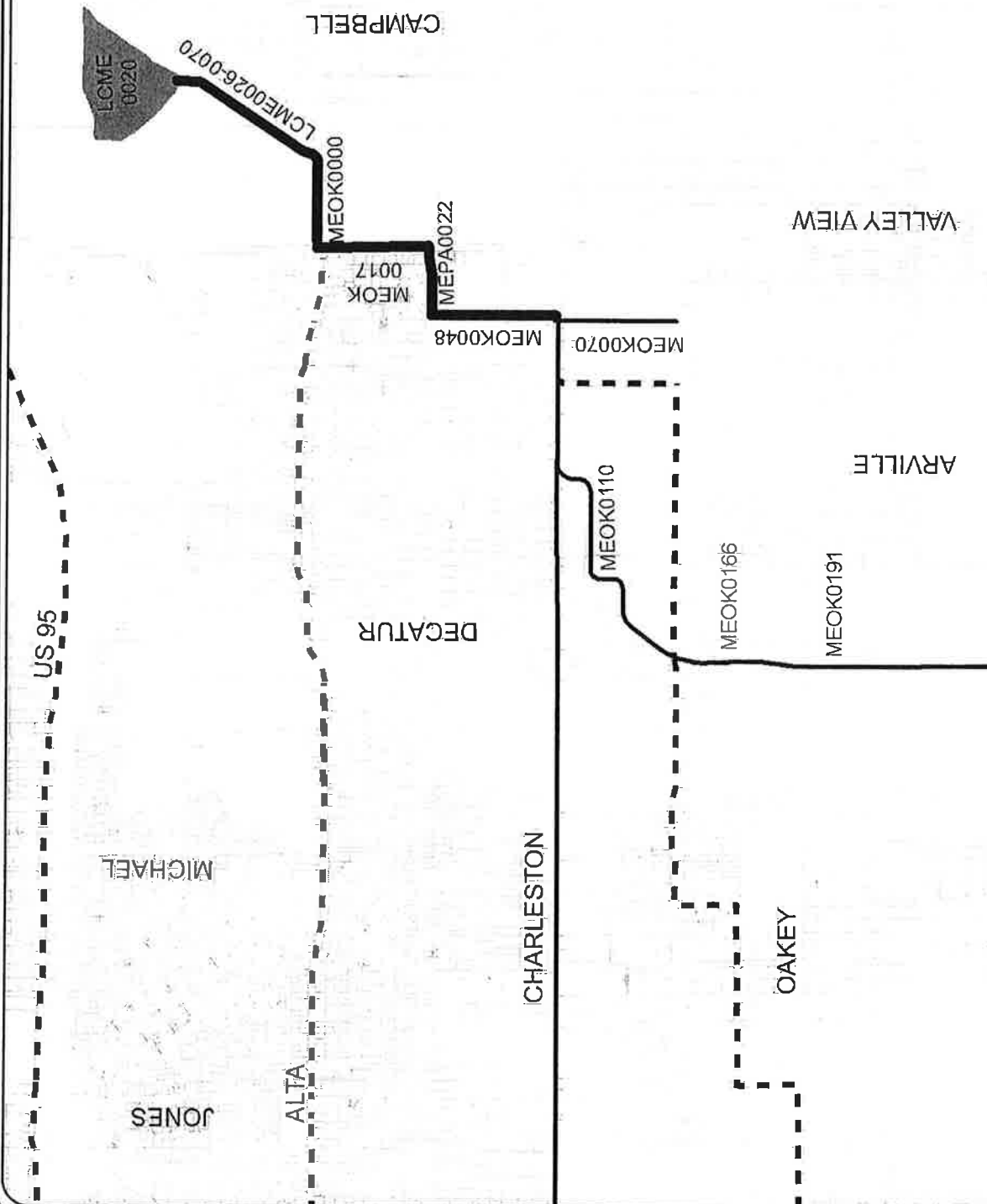
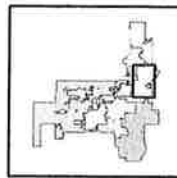


EXHIBIT A
OAKLEY - MEADOWS STORM DRAIN, PHASE I

(LAS05I08)

Due to continuous development activity
this map is for reference only

FACULTY OF ENGINEERING, PRINCETON UNIVERSITY, Princeton, New Jersey; STORM OCEAN, PHASE II, INC., NEWARK, NEW JERSEY

Age	Percentage
18-24	100
25-34	90
35-44	80
45-54	70
55-64	60
65-74	50
75-84	40
85-94	30
95-104	20

LAS05I08