

Amendment No. 2 to
Highway Agreement No. P247-12-063

This Amendment is made and entered into this _____ day of _____, _____, between the State of Nevada, Department of Transportation, hereinafter referred to as the DEPARTMENT, and the City of Las Vegas, 333 N. Rancho Dr., Las Vegas, NV 89106, hereinafter referred to as the CITY.

WITNESSETH:

WHEREAS, on June 27, 2012, the Parties entered into Agreement No. P247-12-063 for the construction of five (5) bus turnouts on Charleston Blvd. from Hualapai Way to I-15; and

WHEREAS, this Amendment No. 2 decreases the amount of funding by One Hundred Seventy-eight Thousand Nine Hundred Forty-seven and No/100 (\$178,947.00) due to a change in the funding in the State Transportation Improvement Program; and

WHEREAS, the CITY has requested and been approved for a change in the PROJECT scope to increase the number of bus turnouts; and

WHEREAS, the termination date is amended due to the requested scope change and funding availability for construction; and

WHEREAS, the Parties hereto desire to make certain amendments to Agreement No. P247-12-063.

NOW, THEREFORE, the Parties agree as follows:

- A. Attachment "A" is removed in its entirety and replaced with the attached Attachment "A-1".
- B. The termination date referenced in Article III Paragraph 1, shall be changed from December 31, 2015 to December 31, 2018.
- C. Article II, Paragraph 27, is amended by deleting it in its entirety and inserting in its place, To be responsible for the five percent (5%) match of Thirteen Thousand One Hundred Fifty-eight and No/100 (\$13,158.00) and for one hundred percent (100%) of all costs exceeding the obligated Federal funds. The CITY agrees the DEPARTMENT and the State of Nevada are not responsible for any costs exceeding the obligated Federal funds.
- D. Article III, Paragraph 5, is amended by deleting it in its entirety and inserting in its place, The TOTAL ESTIMATED PROJECT COSTS are Two Hundred Ninety-three Thousand One Hundred Fifty-eight and No/100 Dollars (\$293,158.00), which includes: Thirty Thousand and No/100 Dollars (\$30,000.00) at a hundred percent (100%) Federal funding; Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) at ninety-five percent (95%) Federal funding; and a match of Thirteen Thousand one Hundred Fifty-eight and No/100 (\$13,158.00), comprising CITY match funding of five percent (5%) of TOTAL ESTIMATED PROJECT COSTS. The parties acknowledge and agree that the TOTAL ESTIMATED PROJECT COSTS set forth herein are only estimates and that in no event shall the DEPARTMENT or federal portion exceed the total obligated amount, as established in Article I Paragraph 3, and furthermore in no event will the CITY be obligated under this Agreement to pay any additional PROJECT COSTS in excess of the match amount set forth above, except as otherwise

approved by the governing body of the CITY.

- E. Article III, Paragraph 7, is amended by deleting it in its entirety and inserting in its place, The following is a summary of TOTAL ESTIMATED PROJECT COSTS and available funds:

TOTAL ESTIMATED PROJECT COSTS:

DEPARTMENT Preliminary Engineering Costs:	\$ 2,000.00
CITY Preliminary Engineering Costs:	\$ 288,158.00
DEPARTMENT Right-of-Way Costs:	<u>\$ 3,000.00</u>

<u>TOTAL ESTIMATED PROJECT COSTS:</u>	\$ 293,158.00
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AVAILABLE FUNDING SOURCES:

100% Federal CMAQ Funds:	\$ 30,000.00
95% Federal CMAQ Funds:	\$ 250,000.00
CITY Match Funds:	<u>\$ 13,158.00</u>

TOTAL PROJECT FUNDING:	\$ 293,158.00
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- F. All of the other provisions of Agreement No. P247-12-063 and Amendment No. 1 dated June 24, 2013 shall remain in full force and effect as if set forth herein

IN WITNESS WHEREOF, the above named Parties have hereunto set their hands and executed this Amendment on the date first written above.

CITY OF LAS VEGAS

State of Nevada, acting by and through its
DEPARTMENT OF TRANSPORTATION

Carolyn G. Goodman
Mayor

Director

Attest:

Approved as to Legality & Form:

Beverly K. Bridges
City Clerk

Deputy Attorney General

Approved as to Form:

John S. Ridilla 8/6/13
Deputy City Attorney

John S. Ridilla
Deputy City Attorney