

SUPPLEMENTAL AGREEMENT NO. 5
PROJECT PROGRAM

CITY OF LINCOLN, NEBRASKA
STATE OF NEBRASKA DEPARTMENT OF ROADS
PROJECT NO. ENH-55(160)
CONTROL NO. 12879
JAMAICA NORTH TRAIL – PHASE 2

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of Lincoln, Nebraska, hereinafter referred to as the Local Public Agency or "LPA", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, the LPA and the State have previously entered into Program Agreement YL0723, executed by the LPA on March 21, 2007 and executed by the State on April 23, 2007, hereinafter referred to as the "Original Agreement", and a supplemental agreement executed by the LPA on February 10, 2009 and by the State on March 9, 2009, hereinafter referred to as "Supplemental Agreement No. 1", and a supplemental agreement executed by the LPA on January 6, 2010 and by the State on January 28, 2010, hereinafter referred to as "Supplemental Agreement No. 2", and a supplemental agreement executed by the LPA on July 22, 2010 and executed by the State August 12, 2010, hereinafter referred to as "Supplemental Agreement No. 3", and a supplemental agreement executed by the LPA March 28, 2013 and executed by the State April 11, 2013, hereinafter referred to as "Supplemental Agreement No. 4, and

WHEREAS, the Federal share payable on this project during the construction and construction engineering phase shall be revised, and

WHEREAS, it is the desire of the LPA that this project be constructed under the designation of Project No. ENH-55(160), as evidenced by the Resolution of the LPA dated the ____ day of _____, 2013, attached and identified as Exhibit "A" and made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the LPA and State hereto agree as follows:

SECTION 1. The Federal funding share identified in the Original Agreement shall be amended as follows. The Federal share payable during the construction and construction engineering phase of this project will be a maximum of 80 percent of the eligible and participating costs.

SECTION 2. The LPA and the State agree that, except for the provisions of Section 1 above, all terms and provisions of the Original Agreement on Project No. ENH-55(160) executed by the

LPA on March 21, 2007 and executed by the State on April 23, 2007 and "Supplemental Agreement No. 1" executed by the LPA on February 10, 2009 and executed by the State on March 9, 2009 and "Supplemental Agreement No. 2" executed by the LPA on January 6, 2010 and executed by the State on January 28, 2010 and "Supplemental Agreement No. 3" executed by the LPA on July 22, 2010 and executed by the State on August 12, 2010 and "Supplemental Agreement No. 4" executed by the LPA on March 28, 2013 and executed by the State on April 11, 2013, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the LPA this _____ day of _____, 2013.

WITNESS:

CITY OF LINCOLN
Chris Beutler

LPA Clerk

Mayor

EXECUTED by the State this _____ day of _____, 2013.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Mick Syslo, P.E.

Materials and Research Division Engineer