

SUPPLEMENTAL AGREEMENT NO. 3

CITY OF LINCOLN  
LANCASTER COUNTY  
STATE OF NEBRASKA, DEPARTMENT OF TRANSPORTATION  
PROJECT NOS. DPU-3300(3), DPU-LIN-2-6(120), AND DPU- LIN-2-6(121)  
STATE CONTROL NOS. 12578, 12578D AND 12578E  
LINCOLN SOUTH BELTWAY

THIS SUPPLEMENTAL AGREEMENT, is entered into between the City of Lincoln, hereinafter referred to as the "City", Lancaster County, hereinafter referred to as the "County", and the State of Nebraska, Department of Transportation, hereinafter referred to as the "State;" and identified in previous agreements as Department of Roads. Collectively, City, County, and State will be referred to as the "Parties".

WITNESSETH:

WHEREAS, the Parties entered into agreement (VL0201) that provided for the design and construction of the Lincoln South Beltway under the designation of DPU-3300(3). This Agreement was executed by City on April 30, 2002, by County on April 23, 2002, and by State on May 9, 2002.

WHEREAS the parties have identified the need and desire to build a freeway around the south side of the city of Lincoln hereinafter referred to the Lincoln South Beltway. The Lincoln South Beltway will be a 4-lane facility with access only at interchanges and begin and end as shown in Exhibit A.

WHEREAS, the Parties executed Supplemental Agreement No. 1 to clarify cost sharing between the Parties, and reimbursement obligations. This Agreement was executed by City on November 30, 2005, by County on December 13, 2005, and by State on January 4, 2006.

WHEREAS, the Parties executed Supplemental Agreement No. 2 which amended Supplemental Agreement No. 1, Section 3 which provided for credits to the City for costs shared on other projects, and payment arrangements.

WHEREAS, City has offered to contribute their Lincoln South Beltway Project funding participation early which requires changing funding arrangements; and State is willing to agree to changing the current funding arrangements.

WHEREAS, State is constructing improvements on L-55W from the intersection at L-55W and N-2 to US 77, Lincoln West Bypass; and City has plans to fund and construct a separate project on L-55W known as the 14<sup>th</sup> Street and Old Cheney Intersection Improvement Project. The Agreement is being amended to state that City will accept relinquishment of L-55W before beginning construction of the Intersection Improvement Project.

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WHEREAS, since the last agreement was made, City has annexed County's portion of L-55W. This agreement needs to be revised to reflect that City will accept relinquishment of the annexed section of L-55W.

NOW THEREFORE, in consideration of these facts, the Parties agree as follows:

SECTION 1: The Parties agreed to fund and construct the Lincoln South Beltway Project as described in the Agreement. The funding terms of this agreement was the State would provide 80% of the cost of obtaining right-of-way, designing, and construction of the Project; and City would provide the remaining 20% match of the costs.

SECTION 2: Supplemental Agreement No. 1 outlined funding obligations in Section 3; however, that funding obligations were amended by Supplemental Agreement No. 2 in Section 1. This Supplemental Agreement now supersedes and replaces Section 1 of Supplemental Agreement No. 2 and Section 3 of Supplemental Agreement No. 1.

SECTION 3: The Parties agree that effective as of May 25, 2017, the funding obligations for this Project will be as follows:

- A. City will be responsible for funding obligations described in Agreement VL0201 including Supplement Agreement No.1 and No. 2 for any work completed on or before May 25, 2017. State will invoice City for City's share of any work completed on or before May 25, 2017.
- B. City will be given a credit of \$18,593,234.02 to its funding obligation which State will apply to this Project. See Exhibit B for a summary of credits.
- C. City will pay State \$16,400,000.00 on September 30, 2017.
- D. City will pay State \$15,000,000.00 on September 30, 2018.
- E. Upon making the payments described in 3A and through 3D above, the City and County shall have fulfilled all funding obligations under Agreement VL0201 and any or all supplemental agreements or amendments. In no event shall the City or County be responsible for or have further obligation to provide any additional or other funding for the design and construction of the Lincoln South Beltway Project. ~~Items 3 A. through 3 D. will be City's complete funding match for the Lincoln South Beltway.~~

SECTION 4: State agrees to give consideration to a reimbursement or credit to the City should State receive a transportation grant directed specifically to the Lincoln South Beltway project. How much consideration is given would depend on the type of grant and the amount of funding.

SECTION 5: The Parties agree to modify the timing of when City will accept relinquishment of L-55W. Prior to City beginning construction of its 14<sup>th</sup> Street and Old Cheney Intersection Improvement Project, City agrees to accept the relinquishment of all of L-55W, beginning at its intersection with US-77 to the south to its intersection with N-2 to the north, including the segment recently annexed by City. City agrees to begin construction on its Project after State completes and accepts State's relinquishment project on L-55W.

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**SECTION 6:** Except as specifically amended by this Supplemental Agreement, all terms and conditions of the Agreement, and Supplemental Agreements No. 1 and No. 2 shall remain in full force and effect.

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

EXECUTED by City this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:  
Teresa J. Meier

CITY OF LINCOLN  
Chris Beutler

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

EXECUTED by County this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:  
Dan Nolte

LANCASTER COUNTY  
Todd Wiltgen

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairperson, County Board

EXECUTED by State this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF TRANSPORTATION  
Michael Owen, P.E.

\_\_\_\_\_  
Roadway Design Engineer

RECOMMENDED:  
Thomas Goodbarn, P.E.

\_\_\_\_\_  
District One Engineer

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