

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 15, 2011 AGENDA**

Subject:	Type:	Submitted By:
NEBRASKA DEPARTMENT OF ROADS SUPPLEMENTAL AGREEMENT NO. 4 LA VISTA LINK – KEYSTONE TRIAL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute Supplemental Agreement No. 4 with the Nebraska Department of Roads (NDOR) for the La Vista Link – Keystone Trail project; Project No. ENH-77(50), Control No. 22251. This supplement changes the funding split from a 70% federal and 30% local share to 80% federal and 20% local share.

FISCAL IMPACT

The FY10/11 Capital Improvement Program contains funding for this project.

RECOMMENDATION

Approval

BACKGROUND

The City entered into the original agreement on April 3, 2007; Supplemental Agreement No. 1 on July 25, 2008; Supplemental Agreement No.2 on January 5, 2009 and Supplemental Agreement No. 3 on December 15, 2009.

This supplemental agreement has been put on a fast track in order to stay on schedule for a May 2011 bid letting.

RESOLUTION NO _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 4 WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR THE LA VISTA LINK – KEYSTONE TRAIL PROJECT.

WHEREAS, the City Council of the City of La Vista has determined that said improvements to the La Vista trail system are necessary; and

WHEREAS, the FY 2010/11 Capital Improvement Fund budget includes funds for the La Vista link-Keystone Trail Project; and

WHEREAS, the project has been designated as being partially funded by Federal grant funding through the NDOR Transportation Enhancement Program; and

WHEREAS, the supplemental agreement outlines the responsibilities of the state to let the project, designate the Responsible Charge Person and associated responsibilities, and extends the deadline of the project outlined in the agreement previously executed by the City of La Vista and the State; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to authorize the Mayor and City Clerk to enter into Supplemental Agreement No. 4 with the Nebraska Department of Roads for the La Vista Link – Keystone Trail project in La Vista.

PASSED AND APPROVED THIS 15TH DAY OF MARCH, 2011

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

SUPPLEMENTAL AGREEMENT NUMBER 4

PROJECT NO. ENH-77(50),
STATE CONTROL NO. 22251
CITY OF LAVISTA
STATE OF NEBRASKA, DEPARTMENT OF ROADS
LAVISTA LINK – KEYSTONE TRAIL

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of LaVista hereinafter referred to as the "LPA", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State", and hereinafter referred to collectively as the "Parties".

WHEREAS, the Parties hereto entered into an Original Agreement (YL0724) executed by the LPA April 3, 2007 and by the State April 23, 2007, and Supplemental Agreement No. 1 executed by the LPA July 25, 2008 and by the State August 4, 2008, and Supplemental Agreement No. 2 executed by the LPA January 5, 2009 and by the State January 9, 2009, and Supplemental Agreement No. 3 executed by the LPA December 16, 2009 and by the State January 28, 2010, providing for the construction of Project No. ENH-77(50), and

WHEREAS, it now becomes necessary to increase the federal funding percentage and to remove the federal funding maximum associated with this project, and

WHEREAS, it is the desire of the LPA that the project be constructed under the designation of Project No. ENH-77(50), as evidenced by the Resolution of the City Council dated the _____ day of _____, 20____, attached and identified as EXHIBIT "A" and made a part of this agreement, and

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

SECTION 1. The State agrees to reimburse the LPA, using Transportation Enhancement Funds, for 80 percent of the actual eligible costs for the construction and construction engineering portions of the improvement. The LPA is responsible for submitting for payment only those costs that are eligible for Federal-aid. The State, on behalf of FHWA,

will review the costs submitted and determine what costs are eligible for payment. Upon request from the State, the LPA will produce all cost records detailing the basis for all costs incurred on the project. The cost of the project which includes construction and construction engineering, and LPA and State eligible expenses is currently estimated to be \$328,048. The LPA's share of all actual eligible costs is estimated to be \$65,610.00. The State agrees to use the LPA's Federal Funds for the actual eligible costs of the improvement which is estimated to be \$262,438.00. Both the LPA and State recognize this is a preliminary estimate and costs may increase or decrease due to variations between the estimated and actual project costs.

SECTION 2. Except as specifically amended by this Supplemental Agreement, all terms and conditions of the Original Agreement (YL0724) executed by the April 3, 2007 and by the State April 23, 2007, and Supplemental Agreement No. 1 executed by the LPA July 25, 2008 and by the State August 4, 2008, and Supplemental Agreement No. 2 executed by the LPA January 5, 2009 and by the State January 9, 2009, and Supplemental Agreement No. 3 executed by the LPA December 16, 2009 and by the State January 28, 2010, 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 _____ this _____ day of _____, 20____.

ATTEST:

City of LaVista
Douglas Kindig

City Clerk

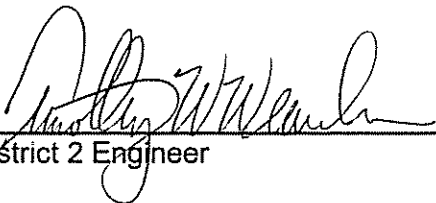
Mayor

EXECUTED by the State this _____ day of _____, 20____.

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Jim Wilkinson, P.E.

Local Projects Division Engineer

RECOMMENDED:
Tim Weander, P.E.



District 2 Engineer