

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", and

WITNESSETH:

WHEREAS, the Parties entered into agreement (VL0201) ("Original Agreement") 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, and

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", and

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, and

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, and

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, and

WHEREAS, City Council has authorized the Mayor to sign this Agreement, as evidenced by the Resolution of City Council, as shown on Exhibit "B"; and

WHEREAS, the Chair of the County Board is authorized to sign this Agreement, as evidenced by the Resolution of County Board, as shown on Exhibit "C".

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 14th 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, and

WHEREAS, since the Original Agreement was executed, 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 Original Agreement. The funding terms of the Original Agreement were 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, those funding obligations were amended by Supplemental Agreement No. 2 in Section 1. Section 3 of 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 "D" for a summary of credits, and incorporated herein by this reference.
- 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 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.

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: Due to the City's annexation of the County's portion of L-55W that was the subject of Section 5 of the Original Agreement, the Parties agree that the County shall not have an obligation to accept relinquishment of any portion of L-55W. The Parties agree to modify the timing of when City will accept relinquishment of L-55W. Prior to City beginning construction of its 14th 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.

SECTION 6: The Mayor is authorized to sign this Agreement, as evidenced by the Resolution of the City Council, attached as Exhibit "B", and incorporated herein by this reference.

SECTION 7: The Chair of the County Board is authorized to sign this Agreement, as evidenced by the Resolution of County Board, attached as Exhibit "C", and incorporated herein by this reference.

SECTION 8: 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.

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 24th day of August, 2017.

ATTEST:
Teresa J. Meier

CITY OF LINCOLN
Chris Beutler

Teresa J. Meier
City Clerk



Chris Beutler
Mayor

EXECUTED by County this 8 day of August, 2017.

ATTEST:
Dan Nolte

LANCASTER COUNTY
~~Todd Wittgen~~ Bill Avery

Dan Nolte
County Clerk

Bill Avery
Via Chairperson, County Board

EXECUTED by State this 2 day of October, 2017.

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

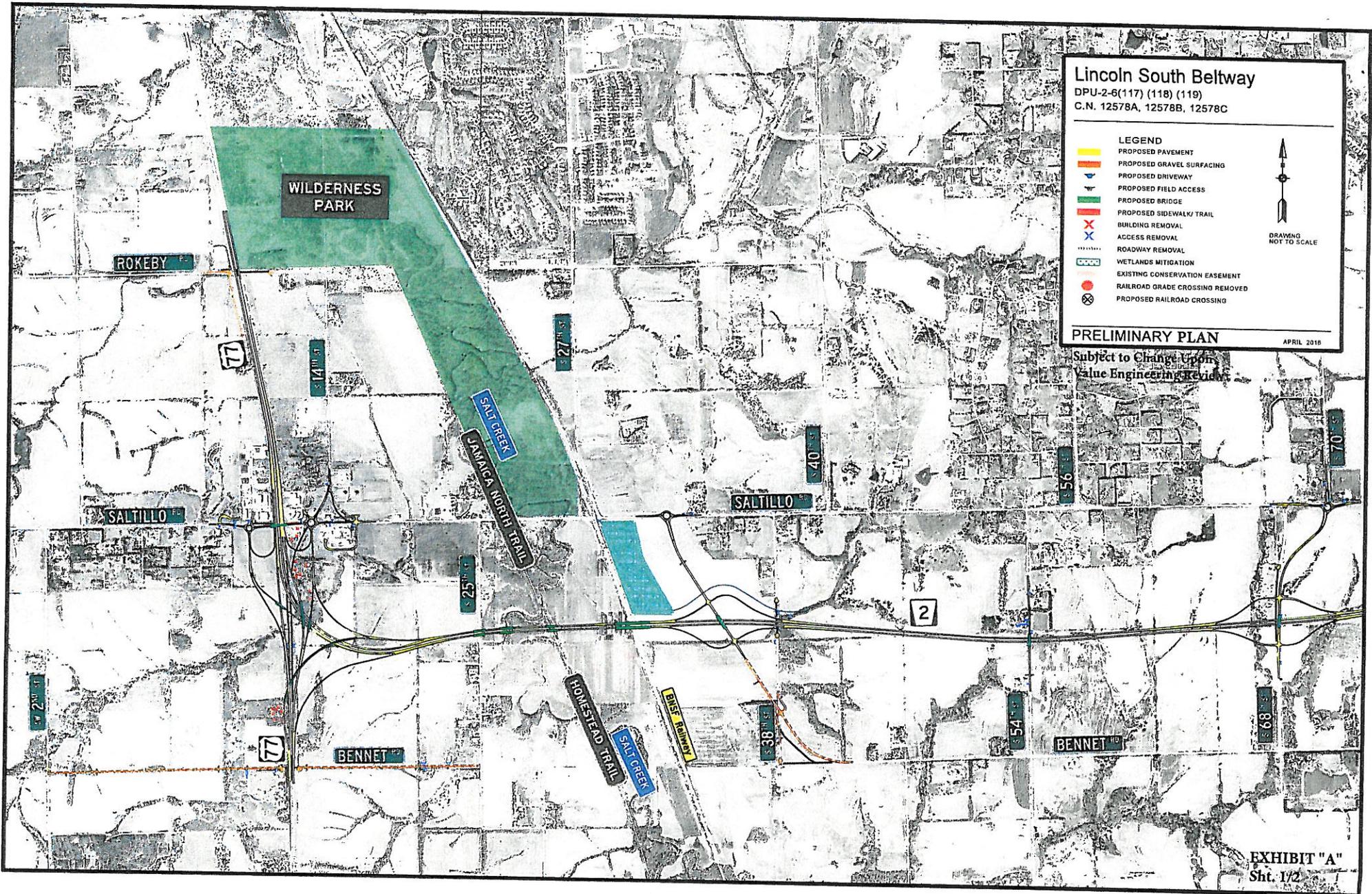
Michael Owen
Roadway Design Engineer

RECOMMENDED:
Thomas Goodbarn, P.E.

Thomas Goodbarn
District 1 Engineer

Project Nos. DPU-3300(3), DPU-LIN-2-6(120)
and DPU-LIN-2-6(121)
Control Nos. 12578, 12578D and 12578E
Lincoln South Beltway

Agreement No. VL0201-03
Page 4 of 4



Lincoln South Beltway
 DPU-2-6(117) (118) (119)
 C.N. 12578A, 12578B, 12578C

LEGEND

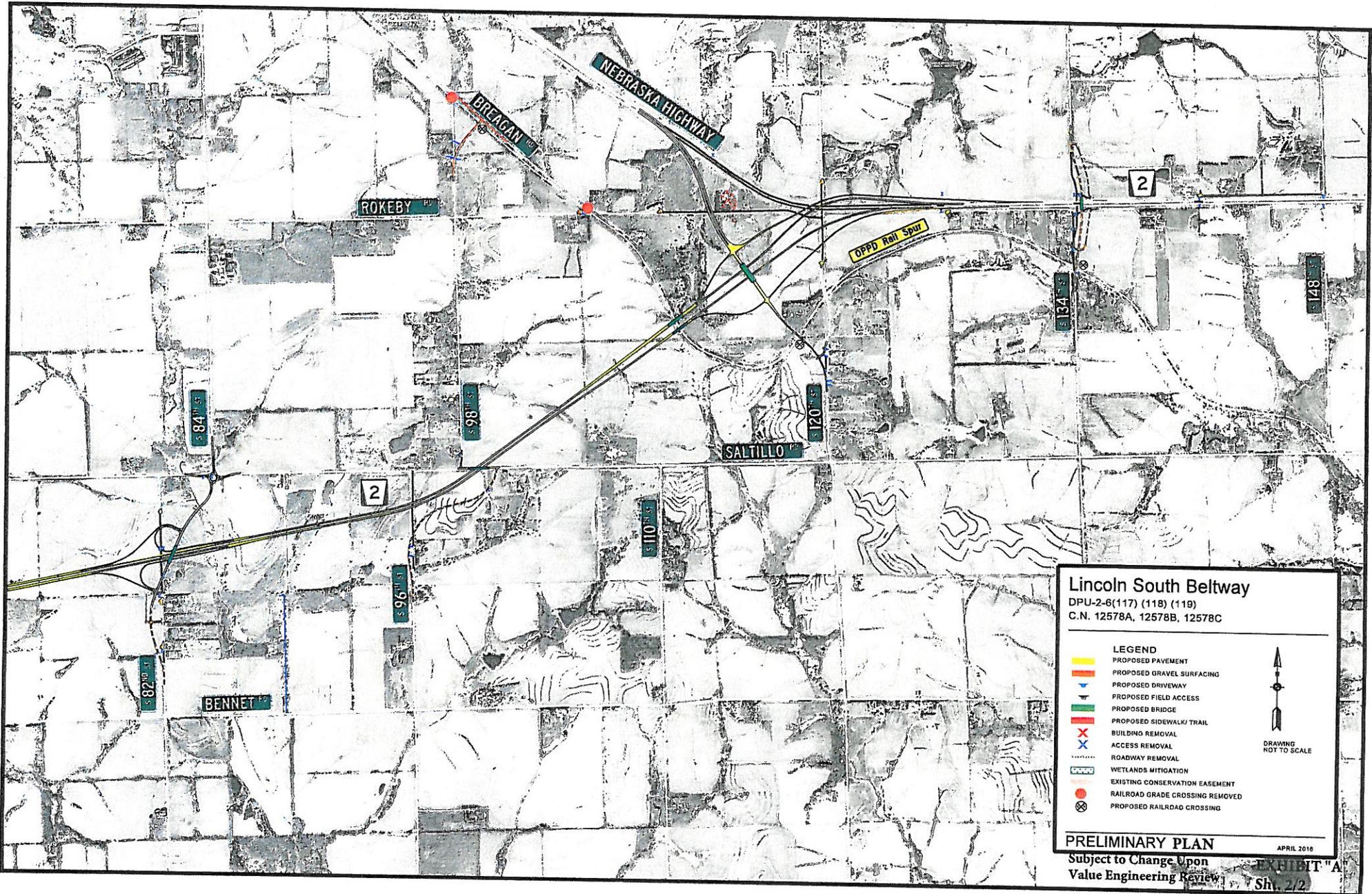
- PROPOSED PAVEMENT
- PROPOSED GRAVEL SURFACING
- PROPOSED DRIVEWAY
- PROPOSED FIELD ACCESS
- PROPOSED BRIDGE
- PROPOSED SIDEWALK/ TRAIL
- BUILDING REMOVAL
- ACCESS REMOVAL
- ROADWAY REMOVAL
- WETLANDS MITIGATION
- EXISTING CONSERVATION EASEMENT
- RAILROAD GRADE CROSSING REMOVED
- PROPOSED RAILROAD CROSSING

DRAINING
 NOT TO SCALE

PRELIMINARY PLAN APRIL 2016

Subject to Change Upon
 Value Engineering Review

EXHIBIT "A"
 Sht. 1/2



Lincoln South Beltway
 DPU-2-6(117) (118) (119)
 C.N. 12578A, 12578B, 12578C

LEGEND

- PROPOSED PAVEMENT
- PROPOSED GRAVEL SURFACING
- PROPOSED DRIVEWAY
- PROPOSED FIELD ACCESS
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- WETLANDS MITIGATION
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- RAILROAD GRADE REMOVED
- PROPOSED RAILROAD CROSSING

DRAWING
NOT TO SCALE

PRELIMINARY PLAN APRIL 2016
 Subject to Change Upon
 Value Engineering Review

EXHIBIT "A"
 Sh. 2/2

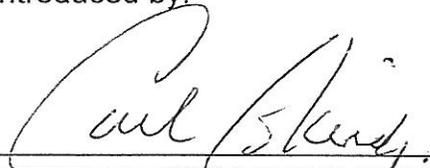
RESOLUTION NO. A- 90639

1 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

2 That the attached Supplemental Agreement No. 3 between the City of Lincoln,
3 Lancaster County, and the State of Nebraska Department of Transportation for Project
4 Nos. DPU-3300(3), DUP-LIN-2-6(120), and DUP-LIN-2-6(121), concerning the South
5 Beltway project involving the funding, timing of payments, and the relinquishment
6 agreement, in accordance with the terms and conditions contained in said Agreement,
7 is hereby approved and the Mayor is authorized to execute the same on behalf of the
8 City of Lincoln.

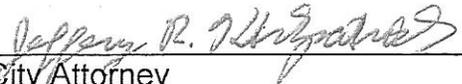
9 The City Clerk is directed to return the executed copies of the Agreement to the
10 Public Works and Utilities Department, for transmittal and execution by Lancaster
11 County and the State of Nebraska Department of Transportation.

Introduced by:



Approved as to Form & Legality:

AYES: Camp, Christensen, Eskridge, Gaylor
Baird, Lamm Raybould, Shobe; NAYS: None.



City Attorney

Approved this 24th day of August, 2017:


Mayor

ADOPTED
AUG 21 2017
BY CITY COUNCIL

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF SUPPLEMENTAL)
AGREEMENT NO. 3 WITH THE STATE)
OF NEBRASKA DEPARTMENT OF)
TRANSPORTATION, FOR PROJECT)
NOS. DPU-3300(3), DPU-LIN-2-6(120),)
AND DPU-LIN-2-6(121), STATE)
CONTROL NOS. 12578, 12578D AND)
12578E (SOUTH BELTWAY))

RESOLUTION NO. R-17-0058

WHEREAS, general supervision and control of the public roads of Lancaster County (“County”) is vested in the Board of County Commissioners of Lancaster County, Nebraska, (the “Board”) pursuant to Neb. Rev. Stat. § 39-1402;

WHEREAS, the State of Nebraska, the City of Lincoln, and the County have previously entered into agreements regarding construction of public roads in Lancaster County as described in Department of Transportation Project Numbers DPU-3300(3), DPU-LIN-2-6(120), and DPU-LIN-2-6(121), State Control Numbers 12578, 12578D, and 12578E, commonly referred to as the “South Beltway”;

WHEREAS, the Board wishes to enter Supplemental Agreement No. 3 (“Agreement”) with the State with respect to this Project, which Agreement is attached hereto and incorporated herein by this reference; and

WHEREAS, the Board wishes to authorize the Chairperson of the Board to execute this Agreement with the State;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, that the Chairperson of the Lancaster County Board of County Commissioners is hereby authorized to execute Supplemental Agreement No. 3 with the State of

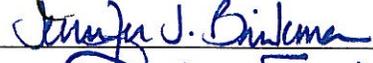
EXHIBIT C

Nebraska, Department of Transportation, for Department of Transportation Project Numbers DPU-3300(3), DPU-LIN-2-6(120), and DPU-LIN-2-6(121), State Control Numbers. 12578, 12578D, and 12578E, commonly referred to as the "South Beltway."

DATED this 8 day of August, 2017, at the County-City Building, Lincoln, Lancaster County Nebraska.

BY: LANCASTER COUNTY BOARD OF COUNTY COMMISSIONERS



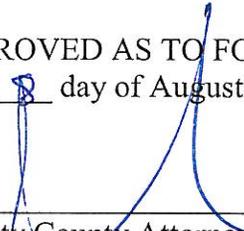






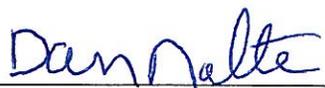
Wiltgen Absent

APPROVED AS TO FORM
this 8 day of August, 2017



Deputy County Attorney for
JOE KELLY, County Attorney

ATTEST:



Lancaster County Clerk

Credits to City of Lincoln for Lincoln South Beltway

Agmt/Supp	Amount	Comments
XL1416	11,478,606.05	Amount applied to CN 12489 minus Antelope Valley deobligations detailed in VL0201-002
VL0201-002	6,205,273.26	Includes \$1.32 million credit from "O" St. Project
NA	909,354.71	Repurposed Earmarks from Antelope Valley and East Beltway - no agreements drafted yet
	18,593,234.02	

EXHIBIT "D"