

**FRANKLIN COUNTY
COMMISSION AGENDA ITEM**

TO: BOARD OF FRANKLIN COUNTY COMMISSIONERS	Reviewed:
FROM: JAMES M. HAAG, JR.	Ext. 3552
DEPARTMENT: PUBLIC WORKS	
DATE: 8/3/09	No.

ITEM: Discuss authorizing the Chairman to execute Supplemental Agreement No. 1 on the Montana Road Project No. 30 KA-0841-01

Background: The Board of County Commissioners and KDOT have previously executed an agreement for the Montana Road Project on May 14, 2007. KDOT has discovered an error in the original agreement and desires to remove construction engineering from the eligible reimbursable costs.

Recommended Action: Discuss authorizing the Chairman to execute Supplemental Agreement No. 1 on the Montana Road Project No. 30 KA-0841-01

Attachments: Supplemental Agreement No. 1

PROJECT NO. 30 KA-0841-01
ECONOMIC DEVELOPMENT PROJECT
GRADING AND SURFACING
FRANKLIN COUNTY, KANSAS

S U P P L E M E N T A L A G R E E M E N T N o . 1

This Agreement made and entered into effective the date signed by the Secretary or designee, by and between Franklin County, Kansas, hereinafter referred to as the "County," and the Secretary of Transportation of the state of Kansas, hereinafter referred to as the "Secretary;" Collectively referred to as the "Parties."

R E C I T A L S :

WHEREAS, the Parties entered into an Agreement dated May 14, 2007, hereinafter referred to as the "Original Agreement" for the grading and surfacing of Montana Road from Sand Creek Road north to future US-59 interchange, and

WHEREAS, the Parties mutually desire the Secretary supplement the Original Agreement to correctly reflect the state aid participation.

NOW, THEREFORE, in consideration of this premise, the Parties hereto agree as follows:

1. On page 2 of the Original Agreement, Article I, paragraph 4 be replaced in its entirety to read as follows:

4. To be responsible for seventy-five percent (75%) of the total actual costs of construction (which includes the costs of all construction contingency items), but not to exceed a maximum of \$750,000.000 for the Project. The Secretary shall not be responsible for the total actual costs of construction (which includes the costs of all construction contingency items) that exceeds \$1,000,000.00 for the Project. The Secretary shall not be responsible for the total actual costs of preliminary engineering, rights of way, utility adjustments and construction engineering for the Project.

2. On page 6 of the Original Agreement, Article II, paragraph 18 be replaced in its entirety to read as follows:

18. To be responsible for twenty-five percent (25%) of the total actual costs of construction (which includes all construction contingency items), up to \$1,000,000.00 for the Project. In addition, the County agrees to be responsible for one hundred percent (100%) of the total actual costs of construction (which includes the costs of all construction contingency items) that exceeds \$1,000,000.00 for the Project. Further, the County agrees to be responsible for one hundred percent (100%) of the total actual costs of preliminary engineering, rights of way, utility adjustments and construction engineering for the Project.

THIS SUPPLEMENTAL AGREEMENT shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, incorporated herein by reference, except as herein specifically provided.

IN WITNESS WHEREOF, the parties hereto have caused this Supplemental Agreement to be signed by their duly authorized officers on the day and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, KANSAS

COUNTY CLERK (Date)

CHAIRMAN

MEMBER

(SEAL)

MEMBER

Kansas Department of Transportation
Debra L. Miller, Secretary of Transportation

By: _____ (Date)
Jerome T. Younger, P.E.
Deputy Secretary for Engineering and
State Transportation Engineer