

PROJECT NO. 87 TE-0403-01
TA-T040(301)
TRANSPORTATION ENHANCEMENT PROJECT
SIDEWALK CONSTRUCTION (AVIATION PATHWAY)
SEDGWICK 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, is by and between **MICHAEL S. KING, Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the “Secretary”) and **Sedgwick County, Kansas** (“County”), collectively, the “Parties.”

RECITALS:

- A. The Parties entered into an Agreement dated May 18, 2015 for the Construction of the Aviation Pathway (the “Original Agreement”).
- B. The Parties mutually desire to supplement the Original Agreement to reflect an increase in the maximum federal funds allowed for the Project.

NOW, THEREFORE, the Parties agree as follows:

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

4. **Payment of Costs.** The Secretary agrees to be responsible for eighty percent (80%) of the total actual costs of Construction (which includes the costs of all Construction Contingency Items) and Construction Engineering, but not to exceed \$836,000.00 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) and Construction Engineering that exceed \$1,045,000.00 for the Project. The Secretary shall not be responsible for the total actual costs of Preliminary Engineering, Right of Way, and Utility adjustments for the Project.

2. On page 10 of the Original Agreement, Article III, paragraph 19, be replaced in its entirety to read as follows:

19. **Financial Obligation.** The County will be responsible for twenty percent (20%) of the total actual costs of Construction (which includes the costs of all Construction Contingency Items) and Construction Engineering, up to \$1,045,000.00 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) and Construction Engineering that exceed \$1,045,000.00 for the Project. Further, the County agrees to be responsible for one hundred percent (100%) of the total actual costs of Preliminary Engineering, Right of Way, and Utility adjustments for the Project. The County shall also pay for any Non-Participating Costs incurred for the Project along with the associated Non-Participating Construction Engineering costs.

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 have caused this Supplemental Agreement to be signed by their duly authorized officers.

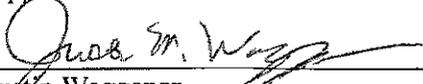
Attest:

Board of County Commissioners
Of Sedgwick County, Kansas

Kelly B. Arnold
County Clerk

JAMES M. HOWELL, Chairman
Commissioner, Fifth District

Approved as to Form:



Justin Waggoner
Assistant County Counselor

Kansas Department of Transportation
Michael S. King, Secretary of Transportation

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