

**AGREEMENT AMENDMENT**  
**135<sup>th</sup> Street West (4<sup>th</sup> Avenue within Clearwater City Limits) between 95<sup>th</sup> Street South and**  
**103<sup>rd</sup> Street South (Ross Avenue within Clearwater City Limits)**  
**Sedgwick County Project No. R299**

THIS AGREEMENT AMENDMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between Sedgwick County, Kansas, hereinafter referred to as "County" and the City of Clearwater, Kansas, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, County and City are authorized to enter into an agreement pursuant to K.S.A. 12-2908, as amended; and

WHEREAS, County and City had previously entered into an agreement dated April 3, 2013, to make certain improvements to 135<sup>th</sup> Street West (hereafter called North 4<sup>th</sup> Avenue) between 95<sup>th</sup> Street South and 103<sup>rd</sup> Street South (hereafter called Ross Avenue), as well as at the intersection of Ross Avenue and Tracy Avenue; and

WHEREAS, City is now proposing a change to the scope of the work, which the City agrees it will be 100% responsible for any design, construction or construction engineering costs for the change to the scope of the work;

NOW, THEREFORE, for and in consideration of the parties' mutual promises and covenants, it is agreed to amend Paragraph 2 of the Agreement dated April 3, 2013, as follows:

2. The Project shall be completed and financed in the following manner:
  - A. County agrees to contract for all design, construction and construction engineering required to complete Project.
  - B. County agrees to pay for all of the cost of design of Project as initially proposed. City will pay for design, construction and construction engineering costs related to any change in the scope of the work as initially proposed.
  - C. Subject to Paragraph 2(B), City agrees to pay County for the costs of construction of certain enhancements to Project. These enhancements include all the drainage improvements to the east side of North 4<sup>th</sup> Avenue and fifty (50) percent of the drainage system improvements to the intersection of Ross and Tracy Avenues. The cost of the City's share of these enhancements is estimated to be two hundred twenty-one thousand dollars (\$221,000.00) for the drainage channel improvements along North 4<sup>th</sup> Avenue and forty-eight thousand dollars (\$48,000) for the drainage system improvements at the intersection. City's final share shall be based

on the actual quantities of work completed and the unit prices bid by the contractor.

- D. Within 30 days after County awards a contract for construction of the project, City shall pay County 90% of its estimated share of the project cost based on the successful construction bid. Within 30 days after completion of the project, City shall pay County any remaining balance.
- E. City agrees to acquire all additional right of way required within the city limits at its sole expense and to complete right of way acquisition in a timely manner that will provide a minimum of four calendar months time prior to the letting of the project for any relocation of utilities.
- F. City agrees to pay for the cost to relocate utilities, including city owned utilities, whose relocation is necessitated by the construction of the drainage channel improvements within the city limits.

All other paragraphs contained in the Agreement dated April 3, 2013, will remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

THE CITY OF CLEARWATER, KANSAS

\_\_\_\_\_  
RICHARD RANZAU  
Chairman, Fourth District

  
MIKE YORK  
Mayor


DATE

ATTEST:

ATTEST:

\_\_\_\_\_  
KELLY B. ARNOLD  
County Clerk

DATE

  
BARBARA SALINAS  
City Clerk

DATE

APPROVED AS TO FORM:

APPROVED AS TO FORM:

  
ROBERT W. PARNACOTT  
Assistant County Counselor

1/9/15  
DATE

  
AUSTIN PARKER  
City Attorney

DATE