

**SUPPLEMENTAL AGREEMENT NO. 2**  
**PROJECT PROGRAM**

CITY OF LEXINGTON  
STATE OF NEBRASKA DEPARTMENT OF ROADS  
PROJECT NO. URB-1705(3)  
CONTROL NO. 61457  
LEXINGTON EAST VIADUCT

THIS SUPPLEMENTAL AGREEMENT, made and entered into by and between the City of Lexington, Nebraska, hereinafter referred to as the Local Public Agency or "LPA", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State",

WITNESSETH:

WHEREAS, the LPA and the State have previously entered into Program Agreement BL1146, executed by the LPA on February 15, 2011 and executed by the State on February 23, 2011, hereinafter referred to as the "Original Agreement", and a supplemental agreement executed by the LPA September 12, 2012 and by the State on September 19, 2012, hereinafter referred to as "Supplemental Agreement No. 1", and

WHEREAS, it now becomes necessary to change the project number from URB-1705(3) to RRZ-TMT-1705(3)

WHEREAS, and it now becomes necessary to change the funding of the project to use Rail Highway Crossing (RRZ), Train Mile Tax (TMT), Union Pacific Funding and City of Lexington funding, and

WHEREAS, it is the desire of the LPA that this project be constructed under the designation of Project No. URB-1705(3), as evidenced by the Resolution of the LPA dated the \_\_\_\_ day of \_\_\_\_\_, 2014, attached and identified as Exhibit "A" and made a part of this agreement, and

NOW THEREFORE, in consideration of these facts, the LPA and State hereto agree as follows:

**SECTION 1.** Except for the provisions specifically modified herein, all terms and provisions of the Original Agreement and all supplements between the State and the LPA remain in full force and effect.

**SECTION 2.** The project number shall be changed from URB-1705(3) to RRZ-TMT-1705(3).

**SECTION 3.** Funding for the project is modified as follows:

- Rail Highway Crossing (RRZ) Funds shall be used maximum share payable of 85 percent,
- Train Mile Tax (TMT) Funds shall be used maximum share payable of 5 percent,
- Union Pacific share shall be payable of 5 percent
- City of Lexington share shall be 5 percent for local match.

**SECTION 2.** The LPA and the State agree that, except for the provisions of Section 2 and 3 above, all terms and provisions of the Original Agreement on Project No. URB-1705(3) executed by the LPA on February 15, 2012 and executed by the State on February 23, 2011 and "Supplemental Agreement No. 1 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 LPA this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

WITNESS:  
Pamela Baruth

CITY OF LEXINGTON  
John Fagot

\_\_\_\_\_  
LPA Clerk

\_\_\_\_\_  
Mayor

EXECUTED by the State this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS  
Mick Syslo, P.E.

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Materials and Research Division Engineer