

PROJECT NO. 46 N-0745-01  
STP-N074(501)  
MARC TIP#: 356108  
LACKMAN ROAD RECONSTRUCTION  
CITY OF OLATHE, 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 Supplemental Agreement, effective the date signed by the Secretary or the Secretary's designee, is by and between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the "Secretary") and the **City of Olathe, Kansas** ("City"), **collectively**, the "Parties."

### RECITALS:

- A. The Parties entered into an Agreement dated March 21, 2023, for a Roadway Improvement Project (the "Original Agreement").
- B. The Parties mutually desire to supplement the Original Agreement to update changes to funding.

**NOW, THEREFORE**, the Parties agree as follows:

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

**Funding.** The table below reflects the funding commitments of each Party. The Participating Costs of Construction include all unforeseeable elements of cost within the defined project scope identified after the Construction phase commences ("Construction Contingency Items"). The Parties agree the costs and contributions reflected below are estimates to purposes and are subject to change.

Party	Responsibility
Secretary	80% of Participating Costs of Construction, not to exceed \$3,875,000.00.
City	20% of Participating Costs of Construction until Secretary's funding limit is reached.  100% of Costs of Construction after Secretary's funding limit is reached.  100% of Preliminary Engineering (PE), Right of Way, Construction Engineering (CE), and Utility Adjustments.  100% Non-Participating Costs.

2. **Counterparts**. This Supplemental Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute one in the same Agreement.

**THIS SUPPLEMENTAL AGREEMENT** shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, which is incorporated into this Supplemental Agreement 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:

THE CITY OF OLATHE, KANSAS

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
MAYOR

(SEAL)

Agreement No. 413-24  
Project No. 46 N-0745-01  
Supplemental No. 1 to  
Agreement No. 128-22  
Bureau of Local Projects

Kansas Department of Transportation  
Secretary of Transportation

By: \_\_\_\_\_  
Greg M. Schieber, P.E. (Date)  
Deputy Secretary and  
State Transportation Engineer

Approved as to form: