

INTERLOCAL CONTRACT

LOWER DUCK CREEK DETENTION BASIN

THIS INTERLOCAL CONTRACT made and entered into as of the *12* day of *November*, 1992 by and between the Clark County Regional Flood Control District, hereinafter referred to as "DISTRICT", and County of Clark hereinafter referred to as "COUNTY".

W I T N E S S E T H

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements, and;

WHEREAS, the flood control improvements proposed herein are the same as those identified in the Master Plan Update, Structure No. DCWA 1193 hereinafter referred to as "PROJECT"; and

WHEREAS, the PROJECT is identified and shown on the attached Exhibit "A"; and

WHEREAS, the PROJECT has been approved by the DISTRICT on its annual project priority list; and

WHEREAS, the PROJECT has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley.

NOW, THEREFORE, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the COUNTY agree to the following:

SECTION I - SCOPE OF THE PROJECT

This INTERLOCAL CONTRACT applies to right-of-way engineering and preliminary engineering of improvements associated with the Lower Duck Creek Detention Basin. The basic improvements shall consist of flood control facilities including a detention basin, inlet and outlet facilities, spillways, and other appurtenances as may be necessary to control flood waters. The improvements shall be funded through DISTRICT funds as herein described. This **project** is further identified and shown on the attached Exhibit "A".

SECTION II - PROJECT COSTS

The DISTRICT agrees to fund project costs within the limits specified below:

1. Right-of-way and Preliminary Engineering shall not exceed \$ 300,000.00.
2. The total cost of this Contract shall not exceed \$ 300,000.00 which includes all the items described in paragraph one above.

A written request must be made to the DISTRICT and a supplemental interlocal contract approved to increase any of the amounts noted above prior to payment of any addition funds.

SECTION III - GENERAL

1. The title sheet of both the plans and the specifications shall show the Regional Flood Control District of Clark County as the funding agency.
2. The COUNTY will comply with the Local Purchasing Act, Chapter 332 of the Nevada Revised Statutes.
3. The COUNTY, its employees, and representatives shall at all times comply with all applicable laws, ordinances, statutes, rules, and regulations in effect at the time work is performed on the PROJECT.

4. The COUNTY will require appropriate financial security for the construction of the PROJECT.
5. The COUNTY shall provide all impacted entities and the DISTRICT with the opportunity to provide the COUNTY with input relative to the following processes: scope of services development; consultant selection; design, construction and maintenance review; and monitoring of the effectiveness and impacts of facilities on flood flows.
6. Applicable portions of the current editions of the Policies and Procedures, the Hydrologic Criteria and Drainage Design Manual, and Uniform Regulations for the Control of Drainage adopted by the DISTRICT will apply in developing this PROJECT unless specifically superseded by this CONTRACT.
7. Purchases of right-of-way in excess of that actually needed for construction will not be allowed unless a comparison between the cost of excess acquisition and needed acquisition including damages, indicates that benefits from such a transaction would result. Title to residual property will be vested in the name of the COUNTY. Revenues derived from the sale of these properties, less the cost of the sale of these properties, will be forwarded to the DISTRICT.
 - a. Administrative settlements and acceptance of counter offers involving right-of-way may only be made following a review and approval by the DISTRICT.
9. The DISTRICT will make payment to the COUNTY, its contractor or its consultant, each month for project costs as outlined in SECTION II - PROJECT COSTS. Invoices must identify and allocate all costs to the categories noted below:
 - a. Right-of-Nay
 1. Design & Surveying
 2. Appraisals, negotiations, land acquisition, legal fees, escrow stamps, recording fees, etc.
 - b. Predesign Engineering (all work prior to design, excluding right-of-way)
 - c. Design Engineering

- d. Construction (all work after award of construction contract)
 - e. Flood Insurance Rate Map amendments or revisions
10. Accurate documentation of all work performed and payments made will be maintained by the COUNTY for a period of three(3) years in hard copy form after final project approval and payment. Following the three year period, the COUNTY, shall keep records for permanent storage in original form or in microfilm/fiche media.
 11. The DISTRICT reserves the right to review and/or audit all records pertaining to all projects both during and after project completion.
 12. The COUNTY will be responsible for **any** loss, damage, liability, cost or expense caused by the actions or inactions of its employees, consultants, contractors or agents arising under this Contract and hereby holds the DISTRICT harmless therefrom.
 13. Any costs found to be improperly allocated to this PROJECT will be refunded by the COUNTY to the DISTRICT.

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14. The items covered in SECTION II - PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to July 1, 1993. The DISTRICT may, at any time thereafter, grant extensions or terminate this CONTRACT after thirty (30) days notice.

Date of District Action:

NOV. 2 1992

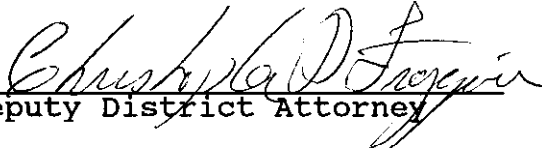
REGIONAL FLOOD CONTROL DISTRICT

BY: 
MICHAEL R. HARRIS, Chairman

ATTEST:


DEANNA LEFKO, Secretary to the Board

Approved as to Form:

BY: 
Deputy District Attorney

Date of Commission Action:

12/1/92

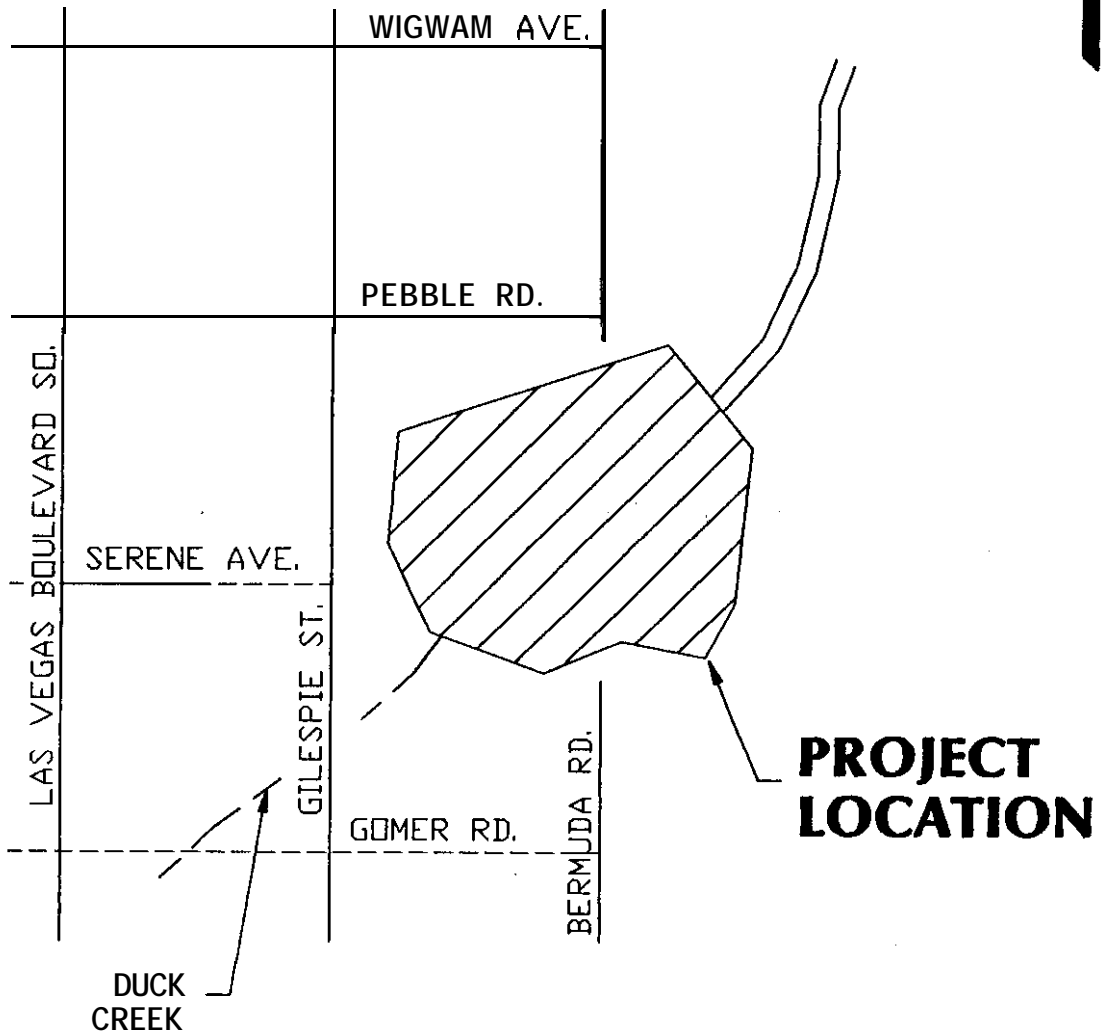
COUNTY OF CLARK

BY: 
JAY BINGHAM, Chairman

ATTEST:


LORETTA BOWMAN, County Clerk

EXHIBIT ' A '



LOWER DUCK CREEK DETENTION BASIN

-
**SUPPLEMENTAL INTERLOCAL CONTRACT
LOWER DUCK CREEK DETENTION BASIN**

THIS SUPPLEMENTAL INTERLOCAL CONTRACT made and entered into as of the 21st day of August, 1997, by and between the Clark County Regional Flood Control District, hereinafter referred to as "DISTRICT", and County of Clark, hereinafter referred to as "COUNTY".

WITNESSETH

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and,

WHEREAS, the flood control improvements proposed herein are the same as those identified in the 1996 Master Plan Update, Structure No. DCWA 1216, (previously DCWA 1193) hereinafter referred to as "Project"; and,

WHEREAS, the Project is identified and shown on the attached Exhibit "B"; and,

WHEREAS, on November 12, 1992, the DISTRICT approved an Interlocal Contract for preliminary engineering; and,

WHEREAS, additional funding is necessary for the design of the Project

NOW, THEREFORE, in consideration of the covenants, conditions, contracts and promises of the parties, hereto, the DISTRICT and the COUNTY agree to the following:

SECTION II - PROJECT COSTS is changed to read as follows:

The DISTRICT agrees to fund Project costs within the limits specified below:

1. Right-of-way and Preliminary Engineering shall not exceed \$300,000.00
2. Design Engineering shall not exceed \$650,000.00,
3. The total cost of this Contract shall not exceed \$950,000.00, which includes all the items described in paragraphs one and two above.

A written request must be made to the DISTRICT and a supplemental interlocal contract approved to increase any of the amounts noted above prior to payment of any additional funds.

SECTION III - GENERAL, paragraph 14 is changed to read as follows:

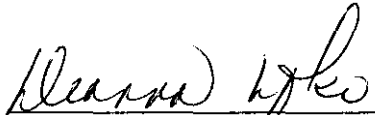
The items covered in SECTION II -PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to July 1, 1999. The DISTRICT may, at any time thereafter, grant extensions or terminate this CONTRACT after thirty (30) days notice.

REGIONAL FLOOD CONTROL DISTRICT



LANCE M. MALONE, Chairman

ATTEST:

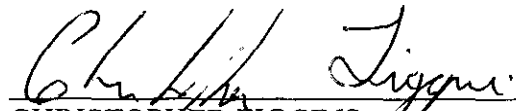


DEANNA LEFKO, Secretary

Date of District Action:


August 21, 1997

APPROVED AS TO FORM



CHRISTOPHER FIGGINS
Deputy District Attorney

BOARD OF COUNTY COMMISSIONERS



YVONNE ATKINSON GATES, Chair

ATTEST:



LORETTA BOWMAN, County Clerk

Date of Commission Action:

9/16/97

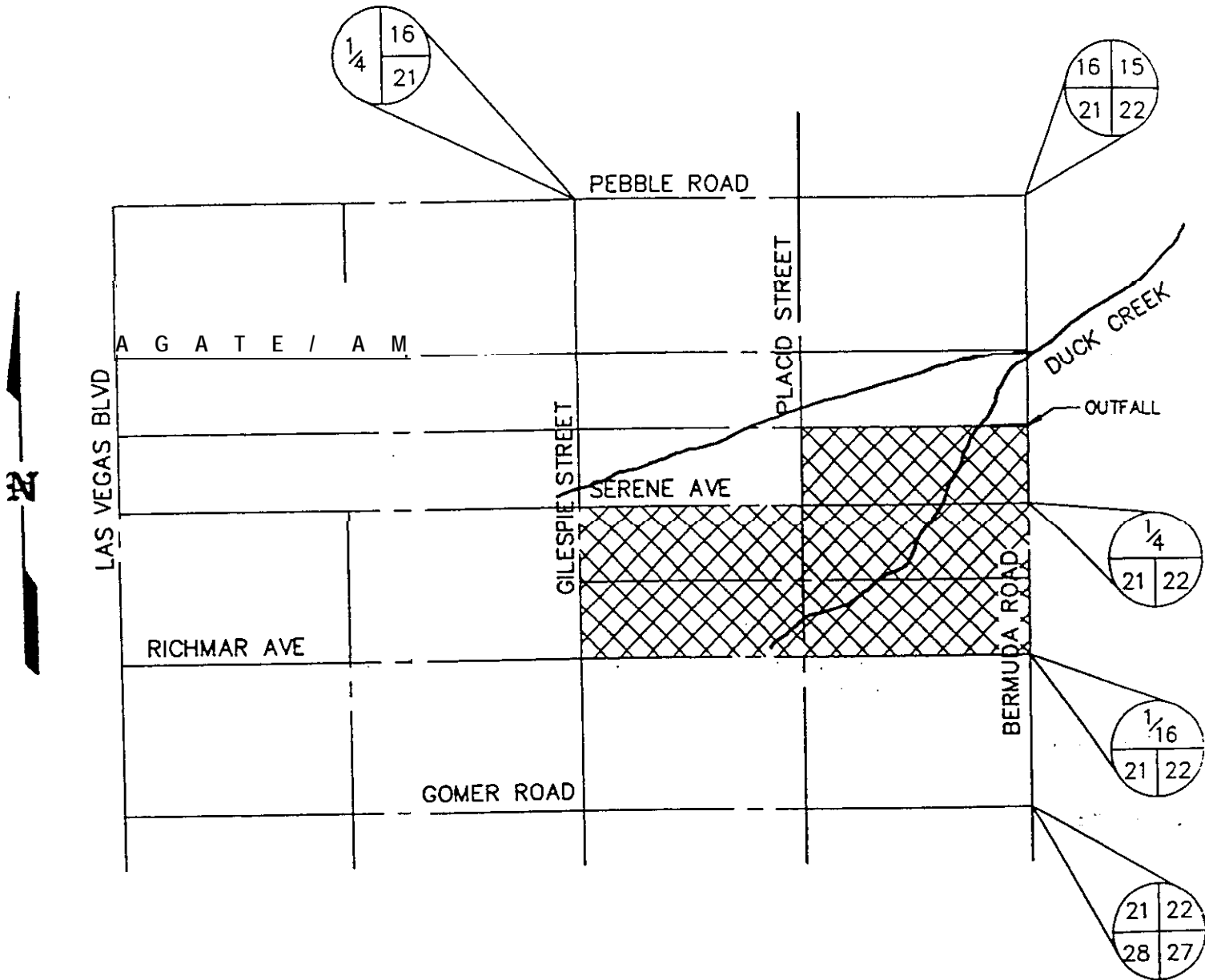
EXHIBIT "B"

LEGEND



MODIFIED DETENTION
BASIN SITE

TOWNSHIP 22 SOUTH
RANGE 61 EAST



"PROJECT SITE MODIFICATION"
LOWER DUCK CREEK
DETENTION BASIN

**SUPPLEMENTAL NO. 2 TO THE INTERLOCAL CONTRACT FOR
LOWER DUCK CREEK DETENTION BASIN**

~~THIS SUPPLEMENTAL INTERLOCAL CONTRACT~~ made and entered into as of the 14th day of October, 1999, by and between the Clark County Regional Flood Control District, hereinafter referred to as "DISTRICT," and County of Clark, hereinafter referred to as "COUNTY."

WITNESSETH

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and,

WHEREAS, the flood control improvements proposed herein are the same **as** those identified in the 1996 Master Plan Update, Structure No. DCWA 1216, (previously DCWA 1193) hereinafter referred to as "Project"; and,

WHEREAS, the Project is identified and shown on the attached Exhibit "**B**"; and,

WHEREAS, the DISTRICT approved an Interlocal Contract for preliminary and design engineering; and,

WHEREAS, additional **funding** is necessary for the environmental mitigation of the Project.

NOW, THEREFORE, in consideration **of the** covenants, conditions, contracts and promises of the parties, hereto, it is mutually understood and agreed to supplement the Interlocal Contract **approved November 12, 1992**, and the supplemental Interlocal Contract approved August **14, 1997**, as follows:

SECTION II - PROJECT COSTS shall be changed to read as follows:

The DISTRICT agrees to limit Project costs **within** the limits specified below:

1. Right-of-way and preliminary engineering shall not exceed **\$200,000.00**
2. Design engineering shall not exceed **\$745,891.00**,
3. Environmental mitigation shall not exceed **\$4,109.00**.
4. The total cost of this Contract shall not exceed **\$950,000.00**, which includes all the items described in paragraphs one and two above.

A written request must be made to the DISTRICT and a supplemental interlocal contract approved to increase any of the amounts noted above prior to payment of any additional **funds**.

SECTION III - GENERAL, paragraph 14 shall be changed to read as follows:

The items covered in SECTION II -PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to July 1, 2001. The DISTRICT may, at any time thereafter, grant extensions or terminate this CONTRACT after thirty (30) days notice.

The remainder of the Interlocal Contract dated November 12, 1992, remains unchanged.

Date of Commission Action:

CLARK COUNTY BOARD OF COMMISSIONERS

11/16/99

By:

B. L. Woodbury

BRUCE L. WOODBURY
Chairman

Attest:

Shirley B. Parraguirre

SHIRLEY B. PARRAGUIRRE
County Clerk

Date of District Action:

REGIONAL FLOOD CONTROL DISTRICT

October 14, 1999

By:

Lawrence L. Brown III

LAWRENCE L. BROWN, III, Chairman

Approved as to Form:

Attest:

Christopher Figgins

CHRISTOPHER FIGGINS
Deputy District Attorney

By:

Carolyn Frazier

CAROLYN FRAZIER
Secretary to the Board

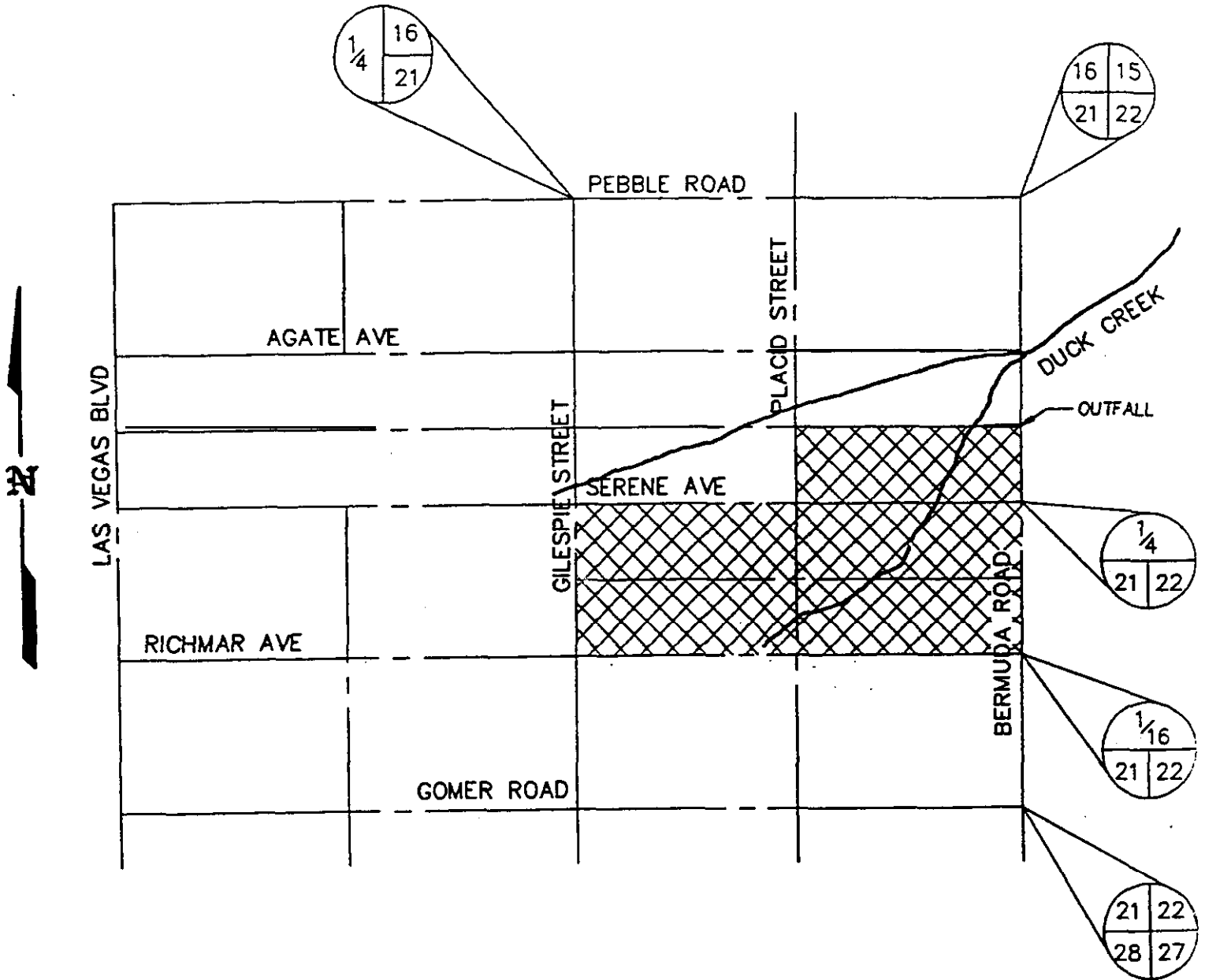
EXHIBIT "B"

LEGEND



MODIFIED DETENTION
BASIN SITE

TOWNSHIP 22 SOUTH
RANGE 61 EAST



"PROJECT SITE MODIFICATION" LOWER DUCK CREEK DETENTION BASIN

**SUPPLEMENTAL NO. 3 TO THE INTERLOCAL CONTRACT FOR
LOWER DUCK CREEK DETENTION BASIN**

THIS SUPPLEMENTAL TO THE INTERLOCAL CONTRACT, made and entered into as of the 14th day of June, 2001, by and between the Clark County Regional Flood Control District, hereinafter referred to as DISTRICT, and County of Clark, hereinafter referred to as COUNTY.

W I T N E S S E T H

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and,

WHEREAS, the flood control improvements proposed herein are generally identified in the 1997 Master Plan Update, Structures No. DCWA 1216, hereinafter referred to as "Project"; and,

WHEREAS, the Project is identified and shown on the attached Exhibit "A"; and,

WHEREAS, the Project has been approved by the District on its annual project priority list; and,

WHEREAS, the DISTRICT approved an Interlocal Contract for design, right-of-way engineering, and environmental mitigation funding for the Project; and,

WHEREAS, it is necessary to extend the completion date of the Project; and,

WHEREAS, the Project has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley.

NOW, THEREFORE, in consideration of the covenants, conditions, contracts and promises of the parties hereto, the DISTRICT and the COUNTY agree to supplement the Interlocal Contract approved November 12, 1992, supplemental No. 1 to the Interlocal Contract approved August 21, 1997, and supplemental No. 2 to the Interlocal Contract approved October 14, 1999, as follows:

SECTION III - GENERAL, paragraph 14 shall be changed to read as follows:

14. The items covered in SECTION II - PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to July 1, 2003. The DISTRICT may, at any time thereafter, grant extensions or terminate this Interlocal Contract after thirty (30) days notice.

The remainder of the Interlocal Contract remains unchanged.

Date of Commission Action:

July 17, 2001

CLARK COUNTY BOARD OF COMMISSIONERS

By:

[Signature]

DARIO HERRERA
Chairman

Attest:

[Signature]
SHIRLEY B. FARRAGUIRRE
County Clerk

Date of District Action:

June 14, 2001

REGIONAL FLOOD CONTROL DISTRICT

By:

[Signature]

LAWRENCE L. BROWN, III, Chairman

Attest:

[Signature]
CAROLYN FRAZIER
Secretary to the Board

Approved as to Form:

[Signature]
CHRISTOPHER FIGGINS
Deputy District Attorney

EXHIBIT "A"

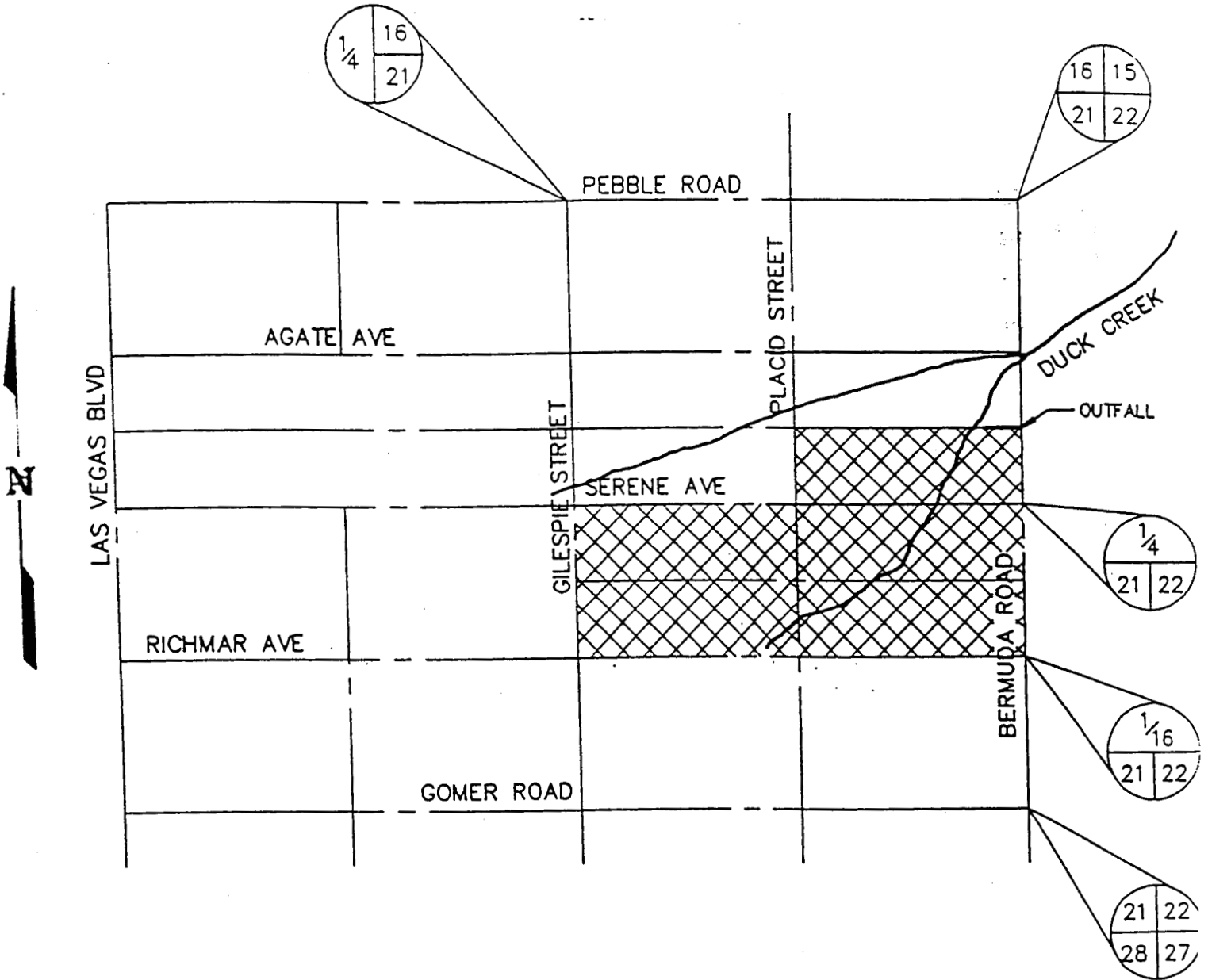
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LEGEND



MODIFIED DETENTION
BASIN SITE

TOWNSHIP 22 SOUTH
RANGE 61 EAST



LOWER DUCK CREEK DETENTION BASIN

**SUPPLEMENTAL NO. 4 TO THE INTERLOCAL CONTRACT FOR
LOWER DUCK CREEK DETENTION BASIN**

THIS SUPPLEMENTAL TO THE INTERLOCAL CONTRACT, made and entered into as of the 13th day of June, 2003, by and between the Clark County Regional Flood Control District, hereinafter referred to as DISTRICT, and County of Clark, hereinafter referred to as COUNTY.

W I T N E S S E T H

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and,

WHEREAS, the flood control improvements proposed herein are generally identified in the 1997 Master Plan Update, Structures No. DCWA 1169 through 1216, hereinafter referred to as "Project"; and,

WHEREAS, the Project is identified and shown on the attached Exhibit "A"; and,

WHEREAS, the Project has been approved by the DISTRICT on its annual project priority list; and,

WHEREAS, the DISTRICT approved an interlocal contract to provide funds for design, right-of-way acquisition, and environmental mitigation for the Project; and,

WHEREAS, it is necessary to extend the completion date of the Project; and,

WHEREAS, the Project has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley.

NOW, THEREFORE, in consideration of the covenants, conditions, contracts and promises of the parties hereto, the DISTRICT and the COUNTY agree to supplement the Interlocal Contract approved November 12, 1992, supplemental Interlocal Contract approved August 21, 1997, supplemental Interlocal Contract approved October 14, 1999, and supplemental Interlocal Contract approved June 14, 2001, as follows:

SECTION III - GENERAL, paragraph 14 shall be changed to read as follows:

14. The items covered in SECTION II - PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to July 1, 2004. The DISTRICT may, at any time thereafter, grant extensions or terminate this Interlocal Contract after thirty (30) days notice.

The remainder of the Interlocal Contract remains unchanged.

Date of Commission Action:

July 1, 2003

CLARK COUNTY BOARD OF COMMISSIONERS

By:

Mary Kincaid-Chauncey
MARY KINCAID-CHAUNCEY
Chair

Attest:

Shirley B. Parraguirre
SHIRLEY B. PARRAGUIRRE
County Clerk

Date of District Action:

June 12, 2003

REGIONAL FLOOD CONTROL DISTRICT

By:

Laurence L. Brown III
LAWRENCE L. BROWN, III, Chairman

Attest:

Carolyn Frazier
CAROLYN FRAZIER
Secretary to the Board

Approved as to Form:

Christopher Figgins
CHRISTOPHER FIGGINS
Chief Deputy District Attorney

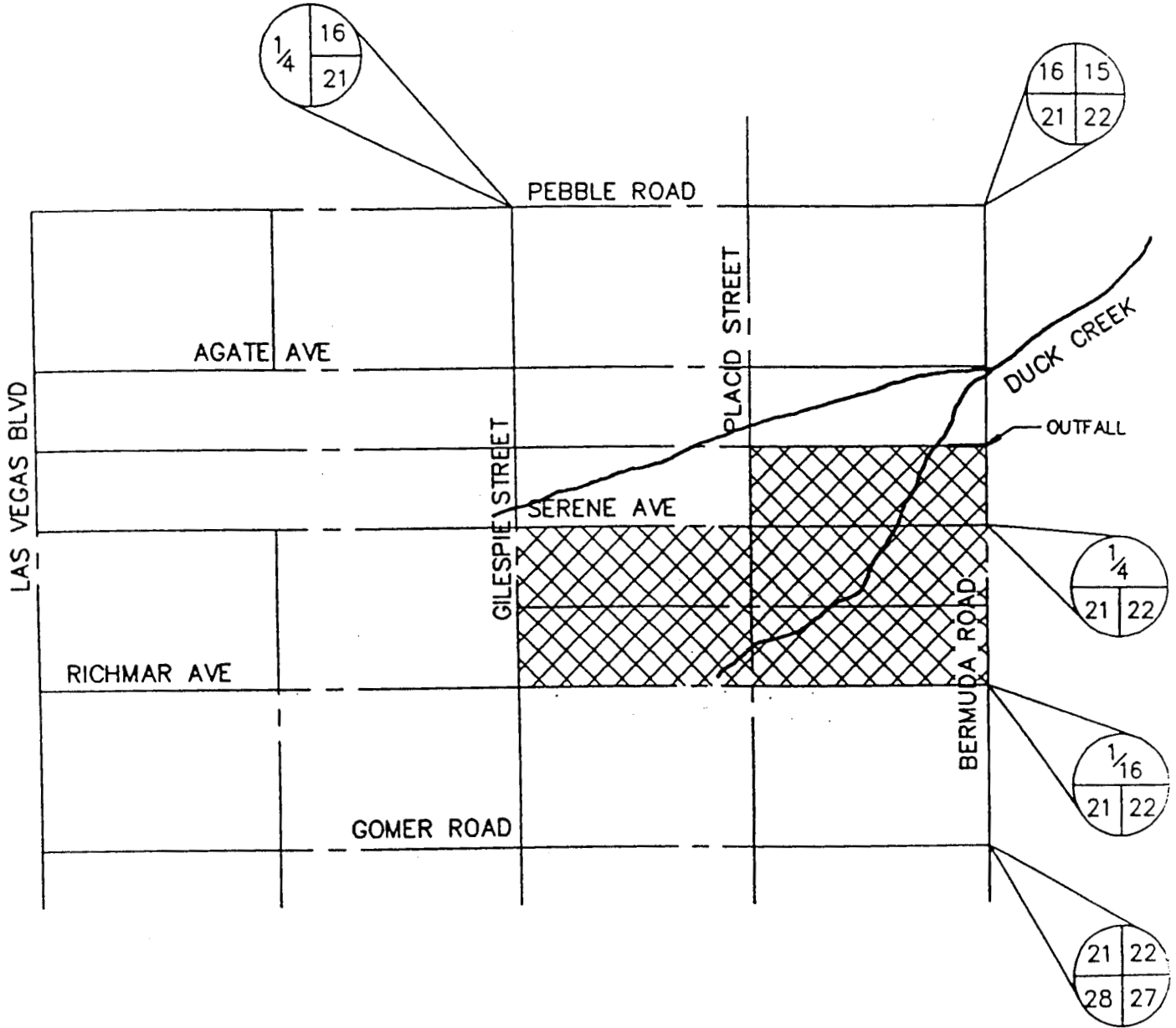
EXHIBIT "A"

LEGEND



MODIFIED DETENTION
BASIN SITE

TOWNSHIP 22 SOUTH
RANGE 61 EAST



LOWER DUCK CREEK DETENTION BASIN