

SUPPLEMENT NO. 1
TO CONSTRUCTION AND MAINTENANCE AGREEMENT

THIS SUPPLEMENT NO. 1 TO AGREEMENT BF10007187 effective this _____ day of _____, 20____ (“Effective Date”), is between the City of Flagstaff, Arizona, referred to herein as "City," and BNSF RAILWAY COMPANY, a Delaware corporation, referred to herein as "BNSF." Collectively, City and BNSF are referred to as “PARTIES.”

RECITALS

- A. City and BNSF entered into Construction and Maintenance Agreement BF10007187 on May 13th, 2015, said Agreement covers preliminary engineering of the drainage control known as the Rio De Flag Project.
- B. The Parties now agree that the Project’s actual preliminary engineering costs will exceed the original Estimate set for in Exhibit A to the original agreement.
- C. The purpose of this Supplement 1 is to increase the preliminary engineering by \$183,000 respectively as shown on attached Revised Exhibit A (a).

IT IS THEREFORE MUTUALLY AGREED:

- 1. PARTIES hereby amend and replace the Revised Exhibit A in its entirety with the following Revised Exhibit A (a) indicating the estimated cost for work performed by BNSF has increased by \$ 183,000 for a new total estimated cost of \$ 213,000.
- 2. All other terms and conditions of said Agreement shall remain in full force and effect.

This Supplement No. 1 to Agreement is hereby deemed to be part of BNSF File No. 10007187 as amended.

IN WITNESS WHEREOF, the PARTIES hereto have caused this Supplement No. 1 to be executed and attested in triplicates by its duly qualified and authorized officials as of the day and year first above written (Effective Date).

CITY OF FLAGSTAFF

BNSF RAILWAY COMPANY

By: _____

BY: _____

Title: _____

Title: _____

Print Name: _____

Print Name: _____

Revised Exhibit A (A)

<u>Crossing Location</u>	Rio De Flag Flood Control Railroad Mile Post 343-346 Railroad's Seligman Subdivision Flagstaff, Arizona
<u>Project:</u>	Rio De Flag Flood Control

<u>Estimate:</u>			
	Original	Supplement 1	Revised Total
Preliminary Engineering	30,000	183,000	
TOTAL			213,000

BNSF shall bill on an actual cost basis.