



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

December 3, 2010

Mark Ahrends, Director
Department of Transportation
City of Durham
101 City Hall Plaza
Durham, NC 27701

Subject: Supplemental Agreement between the North Carolina Department of
Transportation and City of Durham - American Tobacco Trail.
Project: 33896.2.4, Durham County

Enclosed are duplicate originals of a supplemental Agreement covering the above project.
You have 45 days from the date of receipt to sign and return the agreement to our office.

Please have both originals properly executed and return both originals to this office for
further handling. After execution of the agreements by the Department, one of the
original agreements will be returned to your office for your records.

If you have any questions or additional information is needed, please contact Mike Kneis
at (919) 220-4600.

Sincerely,

A handwritten signature in black ink, appearing to read "J. W. Bowman".

J. W. Bowman, P.E.
Division Engineer

Enclosures

JWB:cg

NORTH CAROLINA
DURHAM COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 12/2/2010

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: EL-2921 E

AND

WBS ELEMENTS: PE 33896.1.3

ROW _____

CITY OF DURHAM

CON 33896.2.4

FEDERAL-AID #: STP-0505(17)

CFDA #: 20.205

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the City of Durham, hereinafter referred to as the "Municipality";

WITNESSETH:

WHEREAS, the Department and Municipality, on 1/29/2008, entered into a certain Locally Administered Project Agreement for the original scope: the construction of a 10-foot wide asphalt section with 2-foot select material shoulders for approximately 12,891 feet (2.4 miles), from NC 54 to Scott King Road to include the construction of a minimum 10-foot wide bridge from rail to rail over I-40, and a 10-foot wide asphalt section with 2-foot select material shoulders for approximately 8,732 feet (1.7 miles) from Scott King Road to the Durham/Chatham County line; and,

WHEREAS, the Department and Municipality, on 7/22/2010, entered into a Supplemental Agreement to modify the funding in the original Agreement; and,

WHEREAS, this Agreement is to further clarify the maintenance responsibilities for both the Department and Municipality.

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

RESPONSIBILITIES

Maintenance

Upon completion of the Project, the Department shall be responsible for the at grade crossings of NC 54, Massey Chapel Road and Scott King Road. The Municipality shall be responsible for all remaining portions of the American Tobacco Trail including, but not limited to, the bridge over I-40.

Except as hereinabove provided, the Agreement heretofore executed by the Department, and the Municipality on 1/29/2008 and 7/22/2010, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

ATTEST:

CITY OF DURHAM

BY: _____

BY: _____

DATE: _____

TITLE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ (Governing Board) of the City of Durham as attested to by the signature of _____, Clerk of the _____ (Governing Board) on _____ (Date)

(SEAL)

Remittance Address:

City of Durham

DEPARTMENT OF TRANSPORTATION

BY: _____

(STATE HIGHWAY ADMINISTRATOR)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)