

**Amendment No. 2**

Original Damion.....2016-10112

Amendment No. 1.....2016-10250

**THIS AMENDMENT** is entered this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ by the County of St. Louis, a duly organized county within the State of Minnesota, hereinafter referred to as the "County," and the City of Duluth, hereinafter referred to as the "City", a municipal corporation of St. Louis County, Minnesota.

**WHEREAS**, the County and the City entered into a cooperative agreement, hereinafter referred to as the "Original Agreement," in April 2016 for improvements to the intersection of West Arrowhead Road and Kenwood Avenue under project CP 0034-278317; and

**WHEREAS**, the County and the City executed an amendment to the Original Agreement, hereinafter referred to as "Amendment No. 1," in May 2016 to include milling and paving the north leg of Kenwood Avenue (County State Aid Highway No. 34); and

**WHEREAS**, the Original Agreement cost participation by the County was \$75,000.00, and Amendment No. 1 increased the Original Agreement by \$60,000.00 for a total cost participation of \$135,000.00

**WHEREAS**, the parties desire to amend the Original Agreement for a second time so as to enable both parties to continue to enjoy the mutual benefits it provides by allowing for additional services, hereinafter referred to as "Amendment No. 2".

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the parties do agree as follows:

1. Increase the cost participation for the County by an additional \$75,000.00, which will increase the total cost participation to \$210,000.00.
  - a. The increase in the County cost participation by Amendment No. 2 is needed because the County requested an additional ½ inch of milling for pavement preservation and the actual unit price for bituminous pavement was higher than the estimated unit price.
  - b. Amendment No. 2 covers the total anticipated cost participation for the County for this project.

**THE REMAINDER OF THIS PAGE WAS LEFT INTENTIONALLY BLANK**

**IN WITNESS THEREOF**, the parties have executed the Amendment the date and year first written above.

**City of Duluth**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
City Auditor

**APPROVED AS TO FORM & EXECUTION**

By: \_\_\_\_\_  
City Attorney

**County of St. Louis**

By: \_\_\_\_\_  
**Steve Raukar**  
Chair, County Board

By: \_\_\_\_\_  
**Donald Dicklich**  
Auditor

By: \_\_\_\_\_  
**James T. Foldesi**  
Public Works Director

**APPROVED AS TO FORM & EXECUTION:**

By: \_\_\_\_\_  
**Kimberly Maki**  
Assistant County Attorney

**Damion No. 2016-10623**