

**FIRST AMENDMENT TO MEMORANDUM
OF AGREEMENT**

THIS FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT is effective this ____ day of _____, 2018, by and between the University of Kansas, an institution of higher education and agency of the State of Kansas ("University") and the City of Lawrence, Kansas, a municipal corporation and city of the first class under the laws of the State of Kansas ("City").

WHEREAS, on April 11, 2016, the University and the City entered into a Memorandum of Agreement, whereby the parties agreed to share certain costs regarding the installation of a new 12-inch diameter water main on the north side of 19th Street from Stewart Avenue to Naismith Drive (the "Project");

WHEREAS, in that Memorandum of Agreement, the City agreed to complete the project "no later than August 1, 2018, unless prevented by an unforeseen event;"

WHEREAS, due to circumstances beyond its control, the City will not be able to complete the Project by August 1, 2018; and

WHEREAS, the parties wish to modify the Memorandum of Agreement to extend the completion date of the Project.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the University and the City agree as follows:

1. Paragraph 1 of the Memorandum of Agreement, is hereby amended to read as follows:
 1. The City agrees to undertake and be solely responsible for design and construction of the Project. Materials, equipment, and labor for the Project will be the sole responsibility of the City and its contractors. The City will bid this Project according to its regular bidding procedures. The City agrees to complete the Project no later than August 1, 2019, unless prevented by an unforeseen event. The City will provide the University reasonable documentation to support the Project costs.
2. Section 1 of the Memorandum of Agreement is hereby superseded by Section 1 of this First Amendment to Memorandum of Agreement, it being the intent of the parties that Section 1 of this First Amendment to Memorandum of Agreement shall control. The parties also agree that if there is any other inconsistency between the terms of this First Amendment to Memorandum of Agreement and the original Memorandum of Agreement, then the terms of this First Amendment to Memorandum of Agreement shall control. All other terms of the original Memorandum of Agreement are unmodified and shall remain in full force and effect.

3. The persons executing this First Amendment to Memorandum of Agreement, in behalf of their respective parties, represent and warrant that they have the authority to bind the party in behalf of whom they have executed this First Amendment to Memorandum of Agreement, and that all acts requisite to that authorization have been taken and completed.

IN WITNESS WHEREOF, the undersigned hereto have executed this First Amendment to Memorandum of Agreement this ____ day of _____, 2018.

THE CITY OF LAWRENCE, KANSAS

By: _____

Printed Name: _____

Title: _____

THE UNIVERSITY OF KANSAS

By: James E. Madig

Printed Name: James E. Madig

Title: University Architect