

**Third Amendment to Intergovernmental Agreement
Between Boulder County and City of Longmont
Concerning Repair and Remediation From Flooding**

This Third Amendment to Intergovernmental Agreement (the "Third Amendment") is entered into as of the 20th day of December, 2017, by the County of Boulder, a body corporate and politic of the State of Colorado ("Boulder County" or "County"), and the City of Longmont, a Colorado home rule municipality (the "City") (each a "Party" or, collectively, the "Parties").

RECITALS

- A. The Parties entered into an Intergovernmental Agreement Between Boulder County and City of Longmont Concerning Repair and Remediation From Flooding dated October 8, 2013, which was amended on June 10, 2014, and September 23, 2014 (collectively the "Agreement") by which the Parties agreed to collaborate to expeditiously fund and repair facilities and infrastructure caused by severe flooding in September 2013.
- B. The Agreement contemplates how the Parties will manage several flood repairs on co-owned facilities for which flood repairs are eligible for reimbursement by the Federal Highway Administration ("FHWA") through the Colorado Department of Transportation ("CDOT") and by the Federal Department of Housing & Urban Development ("HUD") Community Development Block Grant – Disaster Recovery ("CDBG-DR") program. The Parties desire to amend the Agreement to further clarify how funding for future repair, and reimbursement for those repairs on federal-aid highways will work.
- C. The Parties also desire to amend the Agreement to provide for collaboration on two additional federal-aid highway projects and a third project that should reimburse any remaining expenditures by both the City of Longmont and Boulder County

AGREEMENT

In consideration of the mutual covenants and promises set forth here, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. A new paragraph 39 is hereby added to the Agreement as follows:

39. BOSTON AVENUE RECONSTRUCTION

- (a.) The scope of work for the Boston Avenue Reconstruction Project (the "Project") will include the design and construction of a reconstructed pavement section with a widened typical section that includes through lanes, needed turn lanes, on-street bike lanes and sidewalk connections along both sides of Boston Avenue from Sunset Street to St. Vrain Creek and on Sunset Street from Boston Avenue to the southern limits of improvements constructed with the recent Sunset Street Bridge Replacement Project.
- (b.) The County shall serve as the lead agency responsible for the design and construction of the Project. Design shall include reconstructed pavement, new curb, gutter, sidewalks, and any storm sewer needed to meet City standards. Both design and construction of the Project

shall follow the City of Longmont Design Standards and Construction Specifications to the extent permitted by HUD funding requirements.

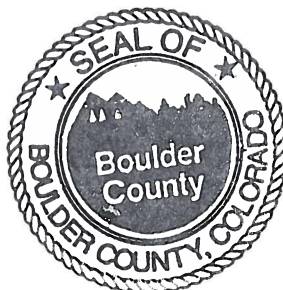
- (c.) The County shall remain the official applicant for CDBG-DR (HUD) funding; will manage the design of all roadway improvements; shall incur all design costs; and will invoice the City for fifty percent of all contracted design costs, not-to-exceed \$130,000, for design and related professional services.
 - (d.) The City will provide payment for all approved invoices within 45 days of receipt of the County's invoice.
 - (e.) The County shall incur one-hundred percent of all construction and construction management costs; track all invoices and documentation need for compliance with federal requirements; and submit all costs to CDBG-DR Infrastructure program for reimbursement.
 - (f.) Once federal funds have been received, the County shall reimburse the City for their portion of local match for the Sunset Bridge project reimbursed by the CDBG-DR program.
 - (g.) Upon completion of construction, the City shall actively pursue and/or support annexation of all improvements associated with paragraph 39.
 - (h.) The County will fund all acquisition costs and related professional services costs of additional public right-of-way required for construction of project improvements within unincorporated Boulder County.
 - (i.) The City will fund all acquisition costs and related professional services costs of additional public right-of-way required for construction of project improvements within the incorporated city limits of Longmont.
 - (j.) The City agrees to maintain all improvements made as part of this Project to the extent and duration required by either FHWA or HUD and will continue maintenance at such time as any part of the improvements are annexed in to the City.
2. Except as expressly amended herein, all other provisions of the Agreement shall remain in full force and effect.

EXECUTED as of the date first set forth above.

BOULDER COUNTY:



Deb Gardner, Chair
Board of Boulder County Commissioners




Attest: 
Clerk to the Board

CITY OF LONGMONT:


Mayor

Attest:

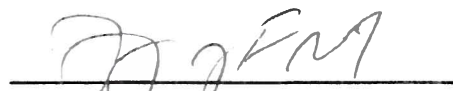

City Clerk

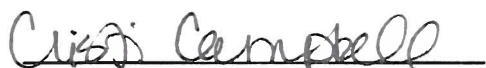


Approved as to Form and Substance:


Originating Department

Approved as to Form:


Deputy City Attorney


Proofread

Certificate Of Completion

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Boulder County

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Finance Director

Boulder County

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Seth Meisinger

smeisinger@bouldercounty.org

Purchasing Agent

Boulder County

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(None)

CC9C2EB992B74A8...
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Director of Transportation

Boulder County

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Signer Events	Signature	Timestamp
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Cecilia Lacey clacey@bouldercounty.org Clerk to the Board Boulder County Security Level: Email, Account Authentication (None)		Sent: October 23, 2017 Viewed: October 24, 2017
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Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	October 23, 2017
Certified Delivered	Security Checked	October 24, 2017
Payment Events	Status	Timestamps
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- ii. send us an e-mail to jbichler@bouldercounty.org and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari®, 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	Allow per session cookies

** These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

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