STATE OF TEXAS   §
                   §   **Amendment of Interlocal Agreement**
                   §   **for Day Miar Road Widening**
COUNTY OF TARRANT   §

BACKGROUND

Tarrant County ("COUNTY") and the City of Mansfield ("CITY") entered into an Interlocal Agreement approved by Tarrant County Commissioners Court Order No. 139780, for financial support of up to $5,405,608.00, for the cooperative funding of improvements to the construction (or reconstruction) of Day Miar Road from East Broad Street to E. Seeton Road ("Project") as described in the 2021 Tarrant County Bond Program.

Therefore, the COUNTY and CITY agree to the following revisions. Paragraphs III, IV, and V from the original Interlocal Agreement are repealed and replaced with the following language:

III.
TERM

    This ILA shall become effective upon the approval of both parties and shall terminate on September 30, 2025, unless terminated as described in Section XII in the original ILA or extended in writing and approved by both parties.

IV.
FISCAL FUNDING ACKNOWLEDGEMENT

    Tarrant County bond funds will be encumbered on a fiscal year basis in accordance with the Certification of Available Funds shown herein. In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable by any means whatsoever in any fiscal period for payments due under this ILA Amendment, then the affected party will immediately notify the other party of such occurrence and this Amendment may be terminated on the last day of the fiscal period for which appropriations were received without penalty or expense to the affected party of any kind whatsoever, except to the portions of annual payments herein agreed upon for which funds shall have been appropriated.

V.
REIMBURSEMENT PROCESS

    The COUNTY agrees to reimburse the CITY for 50% of the actual eligible PROJECT costs in an amount not to exceed $5,405,608.00. Any reimbursement request from the CITY should include: 1) a copy of the invoice or billing for design services, right-of-way acquisition purchase, and construction; and 2) a copy of the check, a certification letter, or other documentation to verify the CITY's proof of payment. The final reimbursement payment to the CITY will be contingent upon the City Manager or Mayor providing written notification to the COUNTY that the project is complete along with identification of final project costs. COUNTY bond funds for the Project are allocated as follows:

County Payment by Phase*

Design:	$0.00
ROW Acquisition:	$0.00
Construction:	$5,405,608.00
TOTAL:	$5,405,608.00

TBP Funding Category: 2021 Call for Projects

* *Reimbursement payments will be issued by the COUNTY for eligible expenses incurred during the Fiscal Year for which bond funds are certified by the Tarrant County Auditor.*

The CITY understands that the CITY will be responsible for cost overruns and any other expenses incurred by the CITY in performing the services described herein. The CITY agrees that the COUNTY retains control over when reimbursement payments will be disbursed to the CITY.

In addition to the foregoing replacement language, Attachment A is removed and deleted from the original Interlocal Agreement in full. All other paragraphs, terms and language outside of paragraphs III, IV, and V as well as Attachment A remain unchanged and in effect.

APPROVED on this day the _____ day of _____, 2024, by Tarrant County.

Commissioners Court Order No. _____.

TARRANT COUNTY, TEXAS   **CITY OF MANSFIELD**

_____   _____
Tim O'Hare, County Judge   Michael Evans, Mayor

APPROVED AS TO FORM:

_____   _____
Criminal District Attorney's Office*   City Attorney

_____
City Secretary (If applicable)

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead, those parties should seek contract review from independent counsel.

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF:

*$*_____ *as follows:*

Fiscal year ending September 30, 2024: $4,684,862.00   2021 TBP Call for Projects – Pct 2

_____
Auditor's Office