

Contract No.	D15411/1
Vendor No.	0000054297
Project No.	CAP-5-17(470)
Control No.	L500255

## FIRST AMENDMENT TO COOPERATIVE AGREEMENT

This **FIRST AMENDMENT** to Cooperative Agreement is entered into this 21<sup>st</sup> day of December, 2017 between the NEW MEXICO DEPARTMENT OF TRANSPORTATION ("Department") and the SANTA FE COUNTY ("Public Entity").

### RECITALS

**Whereas**, the Department and the Public Entity entered into a Cooperative Agreement, Contract No. D15411, on October 28, 2016 and,

**Whereas**, Section Twenty-Two, "Amendment" allows the parties to alter the Cooperative Agreement by written consent of the parties; and

**Whereas**, the Department and the Public Entity want to extend the expiration date of the Agreement to December 31, 2018, to allow completion of the project; and,

**Whereas**, no additional funding is required to be paid to the Public Entity for this extension of time.

**Now, therefore**, the Department and the Public Entity agree as follows:

1. **Section Seventeen, "Term,"** is deleted and replaced with the following:

This Agreement is effective on **October 28, 2016** and shall terminate on December 31, 2018, unless terminated pursuant to Section Eighteen of the Agreement.

All other obligations set forth in the Original Agreement shall remain in full force and effect unless expressly amended or modified by this First Amendment.

In witness whereof, the parties have set their hands and seals this day and year set forth below.

**NEW MEXICO DEPARTMENT OF TRANSPORTATION**

By: [Signature]  
Cabinet Secretary or Designee

Date: 12/21/17

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE DEPARTMENT'S  
OFFICE OF GENERAL COUNSEL**

By: Cynthia A. Clark  
Assistant General Counsel

Date: 12-21-17

**SANTA FE COUNTY**

By: Katherine Miller  
Name: Katherine Miller  
Title: County Manager

Date: 11.28.2017

Approved as to form  
Santa Fe County Attorney  
By: [Signature]  
Date: 11-22-17

Finance Approved  
E. Lovato  
11-22-17

**ATTEST:**

By: \_\_\_\_\_  
County Clerk

Date: \_\_\_\_\_

# EXHIBIT-C

## THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

### RESOLUTION NO. 2017 - 135

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**A RESOLUTION REQUESTING AN EXTENSION AND AMENDMENT OF THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) YEAR 2016/2017 LOCAL GOVERNMENT ROAD FUND (LGRF) COOPERATIVE PROJECT AGREEMENT, PROJECT NO. CAP-5-17(470).**

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**WHEREAS**, pursuant to NMSA 1978, Section 67-3-28.2, assistance for local road construction and repair is available through the New Mexico Department of Transportation ("NMDOT") from the Local Government Road Improvements Fund ("LGRF"); and

**WHEREAS**, Santa Fe County ("County") applied for fiscal year 2017 LGRF funding for pavement rehabilitation/improvements on various County roads; and

**WHEREAS**, Project No. CAP-5-17(470) ("Project") was approved in 2017 by NMDOT and LGRF funds were awarded to the County through LGRF Grant Funding Cooperative Agreement No. CAP-5-17(470); and

**WHEREAS**, by Santa Fe County Resolution No. 2016-92, the Board of County Commissioners of Santa Fe County ("Board") adopted the Project; and

**WHEREAS**, the Project has been completed and unexpended funds remain in the project budget; and

**WHEREAS**, Agreement No. CAP-5-17(470) required that the Project be completed by December 31, 2017; and

**WHEREAS**, NMDOT will allow an extension of Agreement No. CAP-5-17(470) and allow the County to expend the remaining funds on another qualified road pavement or road rehabilitation project; and

**WHEREAS**, prior to development of an agreement extending Agreement No. CAP-5-17(470) to include additional road project activities, NMDOT requires the Board to pass a resolution identifying and approving the project and verifying its priority status; and

**WHEREAS**, as the additional road project to be funded by LGRF Grant Funding Cooperative Agreement No. CAP-5-17(470), the County proposes the completion of a pavement rehabilitation treatment project that includes asphalt milling of the existing road surface and application of a 2" Hot Mix Asphalt (HMA) overlay; and

WHEREAS, the additional road project activities are described on Exhibit A attached hereto and in the table below.

Road name	Santa Fe County Road number	Beginning of Project	End of Project	NMDOT Share	SF County share	Total
Agua Fria Road	CR 66	2044 Agua Fria	3921 Agua Fria	\$14,392.88	\$4,797.29	\$19,190.17

WHEREAS, the County shall pay all costs that exceed the total project sum of \$19,190.17.

NOW, THEREFORE, BE IT RESOLVED that the Board: (i) requests that the 2016/2017 LGRF Grant Funding Cooperative Agreement No. CAP-5-17(470) be extended through December 31, 2018 and be amended to include the additional road project as described herein; (ii) confirms the additional road project's priority status; (iii) agrees to provide the County's share of project costs as set forth above; and (iv) delegates to the County Manager the authority to execute on behalf of the County the agreement or extension agreement with NMDOT for the additional road project activities and any amendments thereto.

PASSED, APPROVED, AND ADOPTED THIS 28<sup>th</sup> DAY OF NOVEMBER, 2017.

BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: [Signature]  
Henry P. Roybal, Chair

ATTESTATION:

Geraldine Salazar  
Geraldine Salazar  
Santa Fe County Clerk

11-28-2017  
Date

Approved as to form:

[Signature]  
R. Bruce Frederick  
Santa Fe County Attorney

11.15.17  
Date



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 29TH Day Of November, 2017 at 03:56:38 PM And Was Duly Recorded as Instrument # 1842532 Of The Records Of Santa Fe County

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Witness My Hand And Seal Of Office  
Geraldine Salazar  
Deputy County Clerk, Santa Fe, NM

SFC CLERK RECORDED 11/29/2017