

## AMENDATORY INTERGOVERNMENTAL AGREEMENT

**THIS INTERGOVERNMENTAL AMENDATORY AGREEMENT** is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”) and **THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO (“Arapahoe”)** (collectively, “Parties” and individually, a “Party”).

### RECITALS

**A.** The Parties entered into an Agreement dated July 19, 2018 (the “Agreement”) to take advantage of the State Funding provided through CDOT with the goal of initiating the design and environmental work for the Underpass Project in 2017, completing the design work and initiating construction in 2019, and completing the construction by 2021 and full project closeout in 2022, and the Parties will participate in the cost sharing and other obligations for the Underpass Project with the goal of achieving this schedule.

**B.** The Parties wish to amend the Agreement to add funds.

**NOW, THEREFORE**, the parties hereby amend the Agreement as follows:

**1.** Section 3 of the Agreement entitled “**COST OVERRUNS**” is amended to add 3 (c) as follows:

“(c) The Parties agree that Cost Overruns for the Underpass Project have been incurred and that each Party will contribute an additional **EIGHT HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$850,000.00)** to the Underpass Project. Arapahoe agrees to pay their portion of the funds to the City in one lump sum within ten (10) days after the Effective Date of this Amendatory Agreement. The Parties agree that if all of the additional funding is not used it will be refunded to the appropriate Party. For purposes of this Agreement the “Scope Project Cost” shall be \$5,701,400.00.”

**2.** Except as herein amended, the Agreement is affirmed and ratified in each and every particular.

**3.** This Amendatory Agreement will not be effective or binding on the City until it has been fully executed by all required signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

**[SIGNATURE PAGES FOLLOW]**

**Contract Control Number:** PWADM-201950222-00  
**Contractor Name:** THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of:

**SEAL**

**CITY AND COUNTY OF DENVER:**

**ATTEST:**

By:

\_\_\_\_\_

\_\_\_\_\_

**APPROVED AS TO FORM:**

**REGISTERED AND COUNTERSIGNED:**

Attorney for the City and County of Denver

By:

By:

\_\_\_\_\_

\_\_\_\_\_

By:

\_\_\_\_\_

**Contract Control Number:** PWADM-201950222-00  
**Contractor Name:** THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF ARAPAHOE, STATE OF COLORADO

By: DocuSigned by:  
*Shannon Carter*  
68CA866C77C847B... \_\_\_\_\_

Name: Shannon Carter  
(please print)

Title: Open Spaces Director  
(please print)

ATTEST: [if required]

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

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)

Contract Control Number:

PWADM-201842253-01

Contractor Name:

Board of County Commissioners of Arapahoe  
County

By:   
Resolution # 190049

Name: Shannon Carter  
(please print)

Title: Open Spaces Director  
(please print)

ATTEST: [if required]

By: 

Name: Josh Tennessee  
(please print)

Title: OS Grants ; Acquisitions Manager  
(please print) Deputy Clerk