

STATE OF TEXAS §

COUNTY OF TRAVIS §

**FUNDING AGREEMENT
FOR BORDER COLONIA ACCESS PROGRAM
AMENDMENT #4**

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation, hereinafter called the "State", and Hidalgo County, acting by and through its duly authorized officials, hereinafter called the "County".

WITNESSETH

WHEREAS, the State and the County executed an agreement on May 10, 2005 – amended on April 13, 2007, on March 13, 2008, and on September 8, 2009 – to construct access roads in the County’s colonias under terms of the second call of the Border Colonia Access Program; and,

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, the State and the Local Government do agree as follows:

A G R E E M E N T

Article 1. Description of Amended Items:

Article 9 is voided in its entirety and replaced with the following:

Termination of this Agreement. This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless the:

- a. Agreement is terminated in writing with the mutual consent of the parties;
- b. Agreement is terminated because the County has breached the contracts; or
- c. Project is not let within six (6) years of the original execution of this agreement, or the Project is not completed within seven (7) years of the original execution of this agreement.

All other provisions of the original contract are unchanged and remain in full force and effect.

Article 2. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent.

IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this agreement.

THE LOCAL GOVERNMENT

Hidalgo County

By: _____
Honorable Rene A. Ramirez

Printed Name

County Judge

Date

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Mario Jorge, P.E.

District Engineer, Pharr District
Title

Date