

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

**AMENDMENT NO. 1 TO INTERLOCAL COOPERATION AGREEMENT BETWEEN
DENTON COUNTY, TEXAS, AND THE TOWN OF LITTLE ELM, TEXAS**

THIS AMENDMENT to the Interlocal Cooperation Agreement is made and entered into by and between Denton County, Texas, hereinafter “the County”; and the Town of Little Elm, Texas, hereinafter “the Town.” The County and the Town are collectively referred to herein as “the Parties.” On August 30, 2022, the Parties entered into an Interlocal Cooperation Agreement under Denton County Commissioners Court Order Number 22-0715, hereinafter “the original Agreement,” for the purpose of providing for design, testing, drainage, right-of-way acquisition, utility relocations, and construction associated with the new FM 2931/Ryan Spiritas Parkway Project as a new four-lane divided thoroughfare with sidewalks from FM 720 to US 380 and acquisition of approximately 1.96 acres for the FM 720 and Ryan Spiritas Parkway Connector at a total estimated project cost of NINE MILLION SEVEN HUNDRED THIRTY-SIX THOUSAND EIGHT HUNDRED AND SIX AND NO/100 DOLLARS (\$9,736,806.00).

WHEREAS, under the terms of the original Agreement, the County and Town agreed that the County would contribute an amount which shall not exceed THREE MILLION ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,100,000.00) toward satisfactory completion of the Project.

WHEREAS, under the original Agreement the County and the Town agreed that the Town would secure a contract for the design, testing, drainage, right-of-way acquisition, any necessary utility relocations, and construction required for satisfactory completion of the Project.

WHEREAS, the Parties to the original Agreement now intend to amend the original Agreement, in order to reflect an increase in total estimated Project cost and an increase in the financial contribution of the County toward satisfactory completion of the Project, which shall be memorialized in this document as Amendment No. 1 to the original Agreement between the County and the Town; and

NOW, THEREFORE, the County and the Town for the mutual covenants and agreements contained in the original Agreement and as contained herein, and for the other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree to amend

Section II and Section III of the original Agreement to reflect the change in the Project estimate and an increase in the County's contribution toward satisfactory completion of the Project. All other terms and conditions of the original Agreement are hereby affirmed by the Parties. The amended portions of the original Agreement are as follows:

AMENDED SECTION II

The County and the Town hereby agree that Amendment No. 1 will revise the Project estimate from NINE MILLION SEVEN HUNDRED THIRTY-SIX THOUSAND EIGHT HUNDRED AND SIX AND NO/100 DOLLARS (\$9,736,806.00) to TEN MILLION TWO HUNDRED THIRTY-SIX THOUSAND EIGHT HUNDRED AND SIX AND NO/100 DOLLARS (\$10,236,806.00).

AMENDED SECTION III

The County and the Town hereby agree that Amendment No. 1 will amend the original Agreement to increase the County contribution toward satisfactory completion of the Project from THREE MILLION ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,100,000.00) to an amount which shall not exceed THREE MILLION SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,600,000.00), for an increased County contribution toward satisfactory completion of the Project of FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00).

This Amendment to the original Agreement shall replace and supersede Section II and Section III of the original Agreement between the Parties. **All other provisions of the original Agreement shall remain in full force and effect unless modified by subsequent written amendment signed by both of the Parties to the original Agreement.**

This Agreement may be executed in multiple counterparts, attached to the original Agreement, and shall collectively constitute an Amendment to the original Agreement. All other terms and conditions of the original Agreement are hereby affirmed by the Parties.

Executed this _____ day of _____, 2023.

DENTON COUNTY, TEXAS

1 Courthouse Drive, Suite 3100
Denton, Texas 76209

TOWN OF LITTLE ELM, TEXAS

100 West Eldorado Parkway
Little Elm, Texas 75068

By: _____

Honorable Andy Eads
Denton County Judge
Acting by and on behalf of the authority
of the Denton County Commissioners Court

By: _____

Honorable Curtis Cornelious
Mayor of the Town of Little Elm, Texas
Acting by and on behalf of the authority
of the Town of Little Elm, Texas

ATTEST:

ATTEST:

By: _____

Denton County Clerk

By: _____

Town Secretary

COUNTY AUDITOR'S CERTIFICATE

I hereby certify funds are available to accomplish and pay the obligation of Denton County, Texas, under this Agreement.

Denton County Auditor

**APPROVAL OF AMENDMENT NO. 1 TO INTERLOCAL COOPERATION
AGREEMENT BETWEEN
DENTON COUNTY, TEXAS, AND THE TOWN OF LITTLE ELM, TEXAS**

Denton County, Texas, acting by and through the Denton County Commissioners Court, having been advised of the Project, hereby agrees to amend Section II and Section III of the Interlocal Cooperation Agreement which was approved on August 30, 2022, under Denton County Commissioners Court Order Number 22-0715.

Amendment No. 1 will amend the original Agreement to provide additional funding by the County toward satisfactory completion of the Project in the amount of FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00). The scope of the Project shall continue to be to provide for the design, testing, drainage, right-of-way acquisition, utility relocations, and construction associated with the new FM 2931/Ryan Spiritas Parkway Project as a new four-lane divided thoroughfare with sidewalks from FM 720 to US 380 and acquisition of approximately 1.96 acres for the FM 720 and Ryan Spiritas Parkway Connector. The total increased Denton County commitment toward satisfactory completion of the Project shall be in an amount which shall not exceed THREE MILLION SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$3,600,000.00).

All other provisions of the original Agreement shall remain in full force and effect unless modified by subsequent written amendment signed by both of the Parties to the original Agreement.

Denton County, Texas, hereby gives its specific written approval of the Parties prior to beginning the Project in satisfaction of the requirements of the Interlocal Cooperation Act, Texas Government Cod Chapter 791.

By vote on this date, the Denton County Commissioners Court has approved the Project identified above and authorized execution of this document by the presiding officer of the Denton County Commissioners Court.

Date: _____

By: _____
Presiding Officer of the Denton
County Commissioners Court