

RESOLUTION NO. 2010-09

**TO AGREE TO A MODIFICATION OF COOPERATIVE AGREEMENT
BETWEEN THE TOWN AND THE STATE OF NEW MEXICO
DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Town of Silver City and the State of New Mexico Department of Transportation (“NMDOT”) entered into a Cooperative Agreement dated August 26, 2009 for the design, blading and reconstruction of Town streets (the “project”); and

WHEREAS, the total value of the project was to be \$70,637.00, with the Town’s share thereof to be \$17,667 and the balance to be funded by the NMDOT; representing a 25% and 75% funding commitment, respectively; and

WHEREAS, Section 12 of the Cooperative Agreement stated that the NMDOT’s obligation under the Agreement was contingent upon the existence of sufficient State funds; and

WHEREAS, NMDOT asserts that there is a budget shortfall in the State’s Local Government Road Fund, and NMDOT has lowered the cost of the project to \$55,421, leaving the same 25% / 75% funding allocation; and

WHEREAS, pursuant to Section 18 of the Agreement .any modification of the terms of said Cooperative Agreement requires a signed agreement between the parties;

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Silver City:

1. That the project which is the subject of the aforementioned Cooperative Agreement is re-affirmed and has a priority standing.
2. That the Cooperative Agreement which terminates on December 21, 2010 incorporates all agreements, covenants, and understandings between the parties, and all such covenants, agreements and understandings have been merged into the written agreement.
3. That the Town adopts the First Amendment to the August 26, 2009 Cooperative Agreement and re-affirms its commitment to LGRF Project Number SP-1-10 (914) for the design, blading & shaping and reconstruction of Town Streets, specifically Cactus Street from 21st Street to 25th Street, all located within the Town and controlled thereby.
4. That the Town authorizes the Town Manager to sign the aforementioned First Amendment, and any other documents required by the NMDOT regarding this project.

PASSED, ADOPTED and APPROVED this 9th day of February, 2010.

(Seal)

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk