

**FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT
VRF PROJECT DEVELOPMENT AGREEMENT FOR THE
PELLICANO DRIVE ROADWAY IMPROVEMENT PROJECT**

THIS FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT (the “Amendment”) is made and entered into effective as of the ____ day of _____, 2022, by and between EL PASO COUNTY, TEXAS (the “County”) and the CAMINO REAL REGIONAL MOBILITY AUTHORITY (“Authority”), (collectively, the “Parties”), for the purposes described herein.

WITNESSETH:

WHEREAS, the County is a political subdivision of the State of Texas; and

WHEREAS, the Authority is a regional mobility authority created pursuant to the request of the City of El Paso and operating pursuant to Chapter 370 of the Texas Transportation Code (the “RMA Act”) and 43 TEX. ADMIN. CODE §§26.1 *et seq.* and is a body politic and corporate and political subdivision of the State; and

WHEREAS, Chapter 791 of the Texas Government Code provides that any one or more public agencies may contract with each other for the performance of governmental functions or services in which the contracting parties are mutually interested; and

WHEREAS, the County is authorized to impose an additional fee, not to exceed \$10.00, for vehicles registered in the County (the “Special Vehicle Registration Fee” or “VRF”) pursuant to Section 502.402 of the Texas Transportation Code (“Section 502.402”); and

WHEREAS, on August 30, 2013, the Commissioners Court of the County ordered the adoption and imposition of the Special Vehicle Registration Fee; and

WHEREAS, Section 502.402 requires that, if adopted, the County remit the revenue collected from the Special Vehicle Registration Fee to a regional mobility authority located in the County to fund long-term transportation projects; and

WHEREAS, Section 370.033 of the RMA Act permits the Authority to enter into an agreement under which the Authority may acquire, plan, design, construct, maintain, repair, or operate a transportation project on behalf of another governmental entity if the transportation project is located in the Authority's area of jurisdiction or in a county adjacent to the Authority's area of jurisdiction; and

WHEREAS, the County has entered into an Interlocal Agreement dated December 16, 2013, and a Transportation Project and Pledge Agreement dated April 9, 2014, which was subsequently amended on December 2, 2016, both with the Authority wherein the County has agreed to transfer all Special Vehicle Registration Fees to the Authority and the Authority has agreed to use those funds, and such other funds which may be designated by the County from time to time, to finance and pay for the construction of certain County designated transportation projects

within El Paso County and that certain transportation project described as Pellicano Drive Roadway Improvement Project (the “Project”); and

WHEREAS, the Project is located in El Paso County which is within or adjacent to the Authority’s area of jurisdiction; and

WHEREAS, the County and CRRMA entered into an Interlocal Agreement – VRF Project Development Agreement for the Pellicano Drive Roadway Improvement Project for the engineering design of the Project [2017-0611], which was subsequently amended [2019-0477, 2020-0170, and 2021-0049] to add supplementary design and construction services and associated funds (collectively referred to herein as the “Interlocal Agreement”); and

WHEREAS, the acquisition of certain property and rights of way along Pellicano Drive is required for the completion of the Project and the County has requested the CRRMA to utilize certain Vehicle Registration Fee funds to acquire such property and rights of way.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the undersigned Parties agree as follows:

- 1. Replacement of EXHIBIT “C-3”.** The parties hereby agree to delete **EXHIBIT “C-3”** from the Interlocal Agreement, as amended, in its entirety and replace it with **EXHIBIT “C-4”**, which is attached hereto.
- 2. Ratification.** Except as expressly amended by this Amendment, the Interlocal Agreement and its exhibits shall remain in full force and effect.
- 3. Execution in Counterparts.** This Amendment may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall be considered fully executed as of the date first written above, when both Parties have executed an identical counterpart, notwithstanding that all signatures may not appear on the same counterpart.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have executed and attested this Amendment by their officers thereunto duly authorized.

EL PASO COUNTY, TEXAS

**CAMINO REAL REGIONAL
MOBILITY AUTHORITY**

Ricardo A. Samaniego
County Judge

Joyce A. Wilson
Chair

ATTEST:

Dorothy M. (Sissy) Byrd
Board Secretary

**EXHIBIT “C-4”
PELLICANO DRIVE IMPROVEMENTS PROJECT**

ESTIMATED PROJECT BUDGET

DESCRIPTION	TOTAL ESTIMATED PROJECT COST	CRRMA PAYS WITH FEDERAL FUNDS	CRRMA PAYS WITH VRF FUNDS	CRRMA PAYS WITH OTHER FUNDS
RIGHT OF WAY	\$ 1,777,288.00	\$ 0.00	\$ 1,777,288.00	\$ 0.00
UTILITY RELOCATION	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
PERMITS & SERVICES	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
ENGINEERING	\$ 2,066,650.48	\$ 0.00	\$ 2,066,650.48	\$ 0.00
CONSTRUCTION	\$ 26,898,000.00	\$ 21,298,000.00	\$ 0.00	\$ 5,600,000.00
MISCELLANEOUS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL	\$ 30,741,938.48	\$ 21,298,000.00	\$ 3,843,938.48	\$ 5,600,000.00

NOTES:

1. The “Federal Funds” identified above are intended to be those federal funds awarded to the CRRMA through an Advanced Funding Agreement with TxDOT.
2. The authority granted herein for the CRRMA’s use of “Other Funds” anticipates the use of: (a) funds being made available to the County from a State Infrastructure Bank (SIB) loan; and (b) up to \$1,000,000 from the General Fund of the *CRRMA Senior Lien Vehicle Registration Fee Revenue Bonds, Series 2014*.
3. Those “Other Funds” provided by the County from the SIB shall be provided to the CRRMA in one lump sum, upon receipt by the County from the SIB.
4. The table above identifies anticipated uses by the CRRMA of available funds by category. However, the CRRMA is not limited in its use of funds by such categories and is expressly authorized to utilize funds from any category in the development of the Project, as needed, provided that the CRRMA coordinates all such uses with the County.