

**SIXTH AMENDMENT TO THE INTERLOCAL AGREEMENT
VRF PROJECT DEVELOPMENT AGREEMENT FOR THE
DARRINGTON ROADWAY IMPROVEMENT PROJECT**

THIS SIXTH AMENDMENT TO THE INTERLOCAL AGREEMENT (the “Amendment”) is made and entered into effective as of the ____ day of _____, 2023, 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 has entered into an Interlocal Agreement dated December 16, 2013, and a Transportation Project and Pledge Agreement dated April 9, 2014 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 Darrington 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 Darrington Roadway Improvement Project dated February 22, 2016 (the “Interlocal Agreement”) related to the development of the Project, and the Parties have subsequently amended the Interlocal Agreement five times to add funding for certain additional design and anticipated construction expenses; and

WHEREAS, the County and CRRMA now desire to further amend the Interlocal Agreement for the Authority to provide design services necessary for the addition of a temporary road to be used during construction of the Project and for additional support of the County’s acquisition of certain rights of way for the Project.

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

1. Replacement of Section II. A. (3) Budget. The Parties hereby agree to revise Section II. A. (3) of the Interlocal by adding the underlined provisions noted below:

3. Project Budget. The initial budget for the Project is set forth in **EXHIBIT C-6** to this Agreement (“Project Budget”). The budget identified within EXHIBIT C-6 includes administrative costs related to the Project. Costs not actually incurred will be refunded or

credited back to the County. The Parties will work together to attempt to minimize the actual costs as reflected in the Project Budget, and in no event shall the cash disbursements by the Authority exceed such Project Budget, absent the written agreement of the Parties.

2. Replacement of EXHIBIT C-5. The parties hereby agree to delete **EXHIBIT C-5** from the Interlocal Agreement, as amended, in its entirety and replace it with **EXHIBIT C-6**, which is attached hereto.

3. Ratification. Except as expressly amended by this Amendment, the Interlocal Agreement, as amended, and its exhibits shall remain in full force and effect.

4. 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.

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**

By: _____
Ricardo A. Samaniego
County Judge

By: _____
Joyce A. Wilson
Chair

ATTEST:

By: _____
Dorothy M. (Sissy) Byrd
Board Treasurer / Secretary

EXHIBIT C-6
DARRINGTON ROADWAY IMPROVEMENTS PROJECT
ESTIMATED PROJECT BUDGET

DESCRIPTION	TOTAL ESTIMATED COST	CRRMA PAYS WITH VRF BONDS*	CRRMA PAYS WITH OTHER FUNDS
ROW	\$131,768.42	\$131,768.42	\$0.00
UTILITY RELOCATION	\$0.00	\$0.00	\$0.00
RAILROAD PERMIT & SERVICES	\$0.00	\$0.00	\$0.00
ENGINEERING	\$1,230,692.69	\$1,125,692.69	\$105,000.00
CONSTRUCTION	\$5,395,000.00	\$5,000,000.00	\$395,000.00
MISCELLANEOUS	\$0.00	\$0.00	\$0.00
TOTAL	\$ 6,757,461.11	\$6,257,461.11	\$500,000.00

NOTES: The authority granted herein by the County for the CRRMA’s use of VRF Bonds* anticipates the use of 2014 bond proceeds. However, the CRRMA is also permitted to utilize proceeds generated through an additional VRF bond issuance completed in 2017. Further, the CRRMA is permitted to move funds among line items noted above, after consultation with and approval from the County. The categories identified above are inclusive of design and administrative costs; provided, however, that Authority administrative costs shall not exceed 3% of the total project cost.