

CONTRACT ROUTING FORM

1. Complete the information below BEFORE printing and completing items 2 through 7. Items in red are required.

Department: Parks and Recreation

Department contract file name (use effective date): Town of Cary_Rec_20191201

Project Code: Click here to enter text.

Contract type: Agreement

Contracted Services/Goods: Maintenance of the American Tobacco Trail

Contract Component: Master

Change Order Number/Addendum Number: Click here to enter text.

Vendor Name: Town of Cary

Effective Date: 12/1/2019

Approved by: County Manager

Commissioner Approval Date:

Ending Date: Click here to enter a date.

Total Amount: \$30,000

Is this contract funded by federal dollars? Yes No

2. Department Head or his/her designee has read the contract in its entirety.

By: *Jay Bauer* (Department Head signature required)

3. County Attorney has reviewed and approved the contract

County Attorney has reviewed and rejects the contract Reason: _____

This is an automatic renewal and does not require approval from the County Attorney: Yes No

If this box is checked the County Attorney's Office has reviewed the contract but has not made needed changes to protect the County because the contract is a sole source contract and the services required by the County are not available from another vendor.

4. Technical/MIS Advisor has reviewed the contract if applicable. Yes No

5. Vendor has signed the contract. Yes No

6. A budget amendment is necessary before approval. Yes No

If budget amendment is necessary, please attach to this form.

7. Approval

Requires approval by the BOC - contracts over \$100,000.00, contracts longer than three years and leases longer than one year. Follow Board submission guidelines.

Requires approval by the Manager - contracts \$100,000 or less.

8. Submit to Clerk.

Clerk's Office Only
 Finance Officer has signed the contract
 The Finance Officer is not required to sign the contract

**RESOLUTION
OF THE CARY TOWN COUNCIL
AUTHORIZING INTERLOCAL AGREEMENT**

WHEREAS, Chatham County and the Town of Cary entered an "Interlocal Agreement For the Maintenance of the American Tobacco Trail and Development of Park Facilities" ("Interlocal Agreement") on November 30, 2009; and

WHEREAS, the term of the Interlocal Agreement was five (5) years ending November 30, 2014; and

WHEREAS, the County and the Town executed an amendment to the Interlocal Agreement on December 17, 2014 to extend the term to December 1, 2019; and

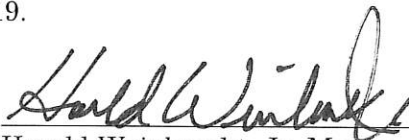
WHEREAS, the County and the Town desire to extend the term of the Interlocal Agreement for an additional period of five (5) years; and

WHEREAS, Article 20 of Chapter 160A of the North Carolina General Statutes authorizes the Town to enter into undertakings with one or more other units of local government.

NOW THEREFORE, The Town Council of the Town of Cary resolves that:

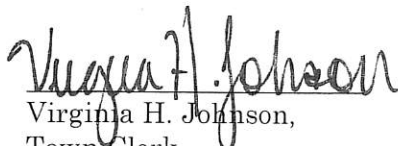
The Town Council hereby approves the attached "Second Amendment to Interlocal Agreement For the Maintenance of the American Tobacco Trail and Development of Park Facilities" ("Agreement"), and authorizes the Town Manager or Deputy Town Manager to execute an agreement substantially like the Agreement attached hereto and to provide such notices and take such actions as Agreement contemplates.

Adopted this the 21 day of November, 2019.



Harold Weinbrecht, Jr. Mayor

ATTEST:



Virginia H. Johnson,
Town Clerk



NORTH CAROLINA

CHATHAM COUNTY

**SECOND AMENDMENT TO 'INTERLOCAL AGREEMENT FOR THE
MAINTENANCE OF THE AMERICAN TOBACCO TRAIL AND DEVELOPMENT
OF PARK FACILITIES'**

This Second Amendment (the "Second Amendment") to "Interlocal Agreement For the Maintenance of the American Tobacco Trail and Development of Park Facilities" ("the Interlocal Agreement") is made and entered into this _____ day of _____ 2019, by and between **COUNTY OF CHATHAM, NORTH CAROLINA**, a body politic and corporate of the State of North Carolina (the "County") and **TOWN OF CARY** (the "Town").

RECITALS

- A. The County and the Town entered into the Interlocal Agreement the 30th of November, 2009.
- B. The term of the Interlocal Agreement was five (5) years ending November 30, 2014.
- C. The County and the Town executed the First Amendment to the Interlocal Agreement on December 17, 2014 with a term expiring on December 1, 2019. The term "Interlocal Agreement" as used herein includes all amendments to the November 30, 2009 agreement.
- D. The County and the Town desire to extend the term of the Interlocal Agreement for an additional period of five (5) years.

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

- 1. Continuation of Maintenance. The Town shall, through independent contractors or with its own forces, continue to provide Routine Maintenance, as defined by the Interlocal Agreement, to the 4.67 mile segment of the ATT which runs from Scott King Road to E. Ferrell Road through Chatham County ("Chatham ATT segment"), in compliance with all applicable laws and regulations and to the same extent the ATT was maintained during the prior terms of the Interlocal Agreement, and to the reasonable satisfaction of the County.
- 2. Compensation for Routine Maintenance. The County shall pay the Town the sum of \$30,000 per year for routine maintenance. The first such payment shall be made on or before December 1, 2019. Thereafter payment shall be made to Town on or before July 30th of 2020, 2021, 2022 and 2023.
- 3. Term. This Second Amendment shall be effective December 1, 2019 and shall extend the term of the Interlocal Agreement for five (5) years from that date. On or before January 1, 2023, the County and the Town agree to initiate discussions regarding possible future extension of the Interlocal Agreement.

4. Termination. Paragraph 7 of the Interlocal Agreement is amended to provide that, if the Interlocal Agreement is terminated after payment of the compensation due for any year under paragraph 3 of this Second Amendment, the Town shall refund to the County a pro rata portion of the compensation paid for that year of the term.

5. Interlocal Agreement to Remain in Full Force and Effect. Except as hereinabove amended the Interlocal Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the respective Parties caused this Second Amendment to be executed by their County or Town Manager, their corporate seals to be affixed and attested by their respective Clerks, all by the Resolution of their Board of Commissioners or Town Council, spread across their minutes, the day and year first above written.

BY: Karen A. Howard
Mike Dasher, Chair, Chatham Board of Commissioners
Karen Howard

ATTEST:
BY: Lindsay K Ray
Lindsay K. Ray
Clerk to the Board



TOWN OF CARY
BY: Russ Overton
~~Sean Stegall, Town Manager~~
Russ Overton, Deputy Town Manager

ATTEST:
BY: Brittany S. Strickland
Virginia Johnson, Town Clerk
Brittany Strickland, Deputy Town Clerk



This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Vicki McConnell
Vicki McConnell, Finance Director

Certificate of Town of Cary Finance Officer

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Shawn Hill
Deputy Finance Officer

12/11/19
Date