

NORTH CAROLINA

CHATHAM COUNTY

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

This Third Amendment (the “Third 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 18th day of November 2024, 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 on the 30<sup>th</sup> 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; and executed the Second Amendment to the Interlocal Agreement on December 16, 2019 with a term expiring on December 1, 2024. 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 three (3) 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, 2024. Thereafter payment shall be made to the Town on or before December 1 of 2025 and 2026.
- 3. Term. This Third Amendment shall be effective December 1, 2024 and shall extend the term of the Interlocal Agreement for three (3) years resulting in a new expiration date of December 1, 2027. On or before January 1, 2027, 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 Third 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 Third 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.

\_\_\_\_\_  
Mike Dasher, Chair, Chatham Board of  
Commissioners

ATTEST:

\_\_\_\_\_  
Jenifer K Johnson, Clerk to the Board

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

\_\_\_\_\_  
Roy Lynch, Finance Officer

TOWN OF CARY

BY: \_\_\_\_\_  
Russ Overton, Deputy Town Manager

ATTEST:

BY: \_\_\_\_\_  
Virginia Johnson, Town Clerk