

**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 ____ 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: _____
Mike Dasher, Chair, Chatham Board of Commissioners

ATTEST:

BY: _____
Lindsay K. Ray
Clerk to the Board

TOWN OF CARY

BY: _____
Sean Stegall, Town Manager

ATTEST:

BY: _____
Virginia Johnson, Town Clerk

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

Vicki McConnell, Finance Director