

**AMENDMENT NO. 1 TO INTERGOVERNMENTAL AGREEMENT
BETWEEN ADAMS COUNTY AND COMMERCE CITY FOR THE
CONDUCT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM**

THIS AMENDMENT NO. 1 is made and entered into this ____ day of _____, 2016, by and between Adams County, Colorado, located at 4430 S. Adams County Parkway, Brighton, Colorado, 80601 ("County") and the City of Commerce City, located at 7887 E. 60th Avenue, Commerce City, CO 80022 ("City").

RECITALS

A. WHEREAS, County has qualified as an Urban County and has received Community Development Block Grant ("CDBG") funding since 1986; and,

B. WHEREAS, intergovernmental agreements between County and cities located within the County allow the County to undertake or to assist in the undertaking of CDBG activities within the municipal boundaries of these participating cities; and,

C. WHEREAS, County and City have such an intergovernmental agreement dated August 12, 2015 ("IGA") that allows County to provide CDBG assistance for federal fiscal years 2016-2018; and,

D. WHEREAS, by means of this Amendment No. 1 City wishes to terminate the IGA and to become a separate CDBG entitlement entity in calendar year 2016; and,

E. WHEREAS, neither County nor the U.S. Department of Housing and Urban Development ("HUD") object to City becoming a separate entitlement entity.

NOW, therefore, in consideration of the promises, conditions and covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to the following changes in the IGA:

1. The IGA shall terminate effective January 12, 2016. The parties' rights and obligations pursuant to the IGA shall terminate on that date, except as specified in this Amendment No. 1.

2. The City will continue to comply with all applicable federal laws and regulations, as well as any outstanding contractual obligations for open projects.
3. HUD is in the process of contesting whether the Fairfax Park project complies with CDBG requirements. In the event HUD requires repayment of funding for the Fairfax Park project, City shall be solely responsible for such repayment and any administrative or legal costs associated with said repayment.

IN WITNESS WHEREOF, the County and City have duly executed this Amendment No. 1, which shall become effective on the date listed in the first paragraph of this Amendment No. 1.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

ATTEST:
STAN MARTIN, CLERK
& RECORDER

By: Chairman

Deputy Clerk

APPROVED AS TO FORM:

County Attorney's Office

CITY OF COMMERCE CITY

ATTEST:

By: Brian K. McBroom, City Manager

Laura J. Bauer, MMC, City Clerk

APPROVED AS TO FORM:

City Attorney