

**AMENDMENT NUMBER 02
LOCAL AGENCY AGREEMENT
EMERGENCY RELIEF PROGRAM**

Dick Creek Bridge (Bayocean Road) at Mile Point 2.39
Tillamook County

This is Amendment Number 02 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," and **Tillamook County**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into on December 23, 2016 and Amendment Number 01 entered into on January 25, 2019.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to update language and increase funds.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.

2. **Amendment to Agreement.**

a. **RECITALS, Paragraph 2, Page 1, which reads:**

2. Bayocean Road is a part of the county road system under the jurisdiction and control of Agency.

Shall be deleted in its entirety and replaced with the following:

2. Dick Creek Bridge and Bayocean Road are part of the county road system under the jurisdiction and control of Agency.

b. **Insert new RECITAL Paragraph 3 to read as follows:**

3. The original Project name, "Tillamook Bay Reach (Bayocean Road) Bridge at Mile Point 2.39" has been changed to "Dick Creek Bridge (Bayocean Road) at Mile Point 2.39" to provide a more accurate description of the Project location.

c. **TERMS OF AGREEMENT, Paragraph 2, Page 1, which reads:**

2. The Project will be conducted as a part of the Emergency Relief Program (ERP) under Title 23, United States Code and the total Project cost is estimated at \$1,021,000, which is subject to change. The Project will be financed with ERP funds, which are estimated in the amount of \$916,143.30, and will not exceed that amount without approval of the Federal Highway Administration (FHWA). The Project will be financed with ERP funds at the maximum allowable federal participating amount, which is 89.73 percent, with Agency

providing the 10.27 percent match for eligible costs and paying for any non-participating costs, including all costs in excess of the available federal funds.

Shall be deleted in its entirety and replaced with the following:

2. The Project will be conducted as a part of the Emergency Relief Program (ERP) under Title 23, United States Code and the total Project cost is estimated at \$1,121,000.00, which is subject to change. The Project will be financed with ERP funds, which are estimated in the amount of \$1,005,873.30, and will not exceed that amount without approval of the Federal Highway Administration (FHWA). The Project will be financed with ERP funds at the maximum allowable federal participating amount, which is 89.73 percent, with Agency providing the 10.27 percent match for eligible costs and paying for any non-participating costs, including all costs in excess of the available federal funds.
3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

Tillamook County/ODOT
Agreement No. 31444, Amendment No. 2

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2021-2024 Statewide Transportation Improvement Program (STIP), (Key No. 19833) that was adopted by the Oregon Transportation Commission on July 15, 2020 (or subsequently by amendment to the STIP).

Signature Page Follows

TILLAMOOK COUNTY, by and through
its elected officials

By _____

Date _____

By _____

Date _____

By _____

Date _____

LEGAL REVIEW APPROVAL (If
required in Agency's process)

By _____
County Legal Counsel

Date _____

Agency Contact:

Chris Laity, Director
Tillamook County Public Works Dept.
503 Marolf Loop Road
Tillamook, OR 97141
503-842-3416
Claity@co.tillamook.or.us

State Contact:

Bill Jablonski, Area Manager
350 West Marine Drive
Astoria, Oregon 97103
503-440-6344
William.R.Jablonski@odot.oregon.gov

STATE OF OREGON, by and through
its Department of Transportation

By _____
Delivery and Operations Division
Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Manager

Date _____

By _____
Region 2 Project Delivery Manager

Date _____

By _____
Area 1 Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By NA _____
Assistant Attorney General

Date _____