

# RESOLUTION 2023.27

## TOWN OF ESTANCIA

### PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND MATCH WAIVER PROGRAM BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the Town of Estancia and the New Mexico Department of Transportation enter into a Cooperative Agreement.

WHEREAS, the total cost of the project will be \$155,529 to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be or \$141,647

and

- b. The Town of Estancia's proportional matching share shall be \$13,882 if Hardship for Match Waiver is not deemed to be present by Department of Finance and Administration and the Department of Transportation

TOTAL PROJECT COST IS \$155,529

The Town of Estancia shall pay all costs, which exceed the total amount of \$155,529.

WHEREAS, the Town of Estancia has a limited tax base, which limits the funding for meeting the proportional matching share; and, a fund exists in the NMDOT appropriated by the New Mexico State Legislature for Public Entities in need of "hardship" match money and the Town of Estancia requests participation in this Match Waiver Program in the amount of \$25,000.

Now therefore, be it resolved in official session that the Town of Estancia determines, resolves, and orders as follows:


That the project for this Cooperative agreement is adopted and has a priority standing.

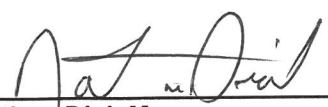
The agreement terminates on **June 30, 2024** and the Town of Estancia incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the Town of Estancia to enter into Cooperative Agreement Control Number HW2L500521 with the New Mexico Department of Transportation for LGRF Project for fiscal year 2023 to Planning, Design, Drainage Improvements, Pavement Rehabilitation/Improvements, Full Construction, Reconstruction, Construction Management and Misc. of various Town Roads (West Highland from Scott Lane to the Senior Center, 4<sup>th</sup> Street from West Highland Avenue to Berkshire, and Berkshire Road from NMSR 41 to 3<sup>rd</sup> Street) within the control of the Town of Estancia in Torrance County, New Mexico.

Passed, Approved, Adopted this 27th day of December, 2023

ATTEST:

  
Roy Hubbard, Deputy Clerk

  
Nathan Dial, Mayor

Contract No. \_\_\_\_\_  
Vendor No. \_\_\_\_\_  
Control No. \_\_\_\_\_

**FIRST AMENDMENT TO  
LOCAL GOVERNMENT ROAD FUND  
MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT**

This **First Amendment** is to the Agreement entered into between the New Mexico Department of Transportation (Department) and the Town of Estancia (Public Entity). This Amendment is effective as of the date of the last party to sign on the signature page.

**RECITALS**

**Whereas**, the Department and the Public Entity entered into an Agreement, Contract No. D19352, on July 19, 2022; and,

**Whereas**, Section 19 allows for modification of the Agreement by an instrument in writing executed by the parties; and,

**Whereas**, the Department and the Public Entity want to waive a portion the Public Entity’s 25% matching share, as provided for under NMSA 1978, Section 67-3-28.2 E; and,

**Whereas**, the parties agree to modify this Agreement.

**Now, therefore**, the Department and the Public Entity agree as follows:

1. Section 2a and 2b, Project Funding, is deleted and replaced by the following:

**2. Project Funding.**

a. The estimated total cost for the Project is One Hundred Fifty-Five Thousand Five Hundred Twenty Nine Dollars and No Cents (\$155,529) to be funded in proportional share by the parties as follows:

1. Department shall fund the Project from the following Programs:

Local Government Road Fund 75%	\$116,647
State Road Fund	\$25,000

Planning, Design, Drainage Improvements, Pavement Rehabilitation/Improvements, Full Construction, Reconstruction, Construction Management, and Misc. Improvements

2. The Public Entity's Required Match \$13,882

3. Total Project Cost

\$155,529

- b. The Public Entity shall pay all Project costs, which exceed the total amount of One Hundred Fifty Five Thousand Five Hundred Twenty Nine Dollars and No Cents (\$155,529).

All other obligations set forth in the Original Agreement shall remain in full force and effect unless expressly amended or modified by this First Amendment.

**The remainder of this page is intentionally left blank.**

In Witness Whereof, each party is signing this Agreement on the date stated opposite that party's signature.

**New Mexico Department of Transportation**

By: \_\_\_\_\_  
Cabinet Secretary or Designee

Date: \_\_\_\_\_

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By: \_\_\_\_\_  
Assistant General Counsel

Date: \_\_\_\_\_

Town of Estancia

By: Nathan Dial

Date: 12/20/2023

Name: Nathan Dial

Title: Mayor

ATTEST:

By: [Signature]  
Town of Estancia Clerk or Designee

Date: 12/20/2023