

**AMENDMENT NUMBER 03
COOPERATIVE IMPROVEMENT AGREEMENT
US20: Tumalo – Cooley Rd. (Bend)
Deschutes County**

This is Amendment No. 03 to Agreement No. 32387 between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as “State” or “ODOT,” and **Deschutes County**, acting by and through its elected officials, hereinafter referred to as “County,” entered into on July 12, 2018, Amendment No. 1, entered into on October 9, 2018 and Amendment Number 2, entered into on July 27, 2021.

The original Agreement No. 32387 and Amendments No. 1 and No. 2 to Agmt No. 32387 are hereby superseded by Agmt No. 73000-00004599.

It has now been determined by State and County that the Agreement referenced above shall be amended to identify the maintenance responsibilities of each Party as required in Amendment No. 2.

New language is indicated by underlining and italics and deleted language is indicated by strikethrough.

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). **Insert new Exhibits B-1, B-2 and B-3 identifying the maintenance responsibilities of the Parties.**
 - b). **TERMS OF AGREEMENT, Paragraph 6 shall be revised to read as follows:**

~~Parties agree that maintenance responsibilities for the Parties for all elements constructed in conjunction with the Project shall be described and obligated at such time that said responsibilities are identified and shall be added by a fully executed Amendment to this Agreement or by a separate Maintenance Agreement between the Parties shall be as described in maps marked Exhibits B-1, B-2 and B-3, attached hereto and by this reference made a part hereof.~~

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.

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 #14829) that was adopted by the Oregon Transportation Commission on July 15, 2020 (or subsequently by amendment to the STIP).

SIGNATURE PAGE FOLLOWS

DESCHUTES COUNTY, by and through
its elected officials

By _____
Commission Chair

Date _____

By _____
Commissioner

Date _____

By _____
Commissioner

Date _____

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

By _____
Agency Counsel

Date _____

County Contact:

Cody Smith – County Engineer
61150 SE 27th Street
Bend, OR 97702
(541) 322-7113
Cody.smith@deschutes.org

State Contact:

Emerald Shirley – Project Manager
63055 N. Highway 97, Bldg M
Bend OR, 97703
(541) 388-6074
emerald.shirley@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Delivery and Operations Division
Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region 4 Manager

Date _____

By _____
D10 Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date: _____

EXHIBIT B-1
Maintenance Responsibilities of the Parties

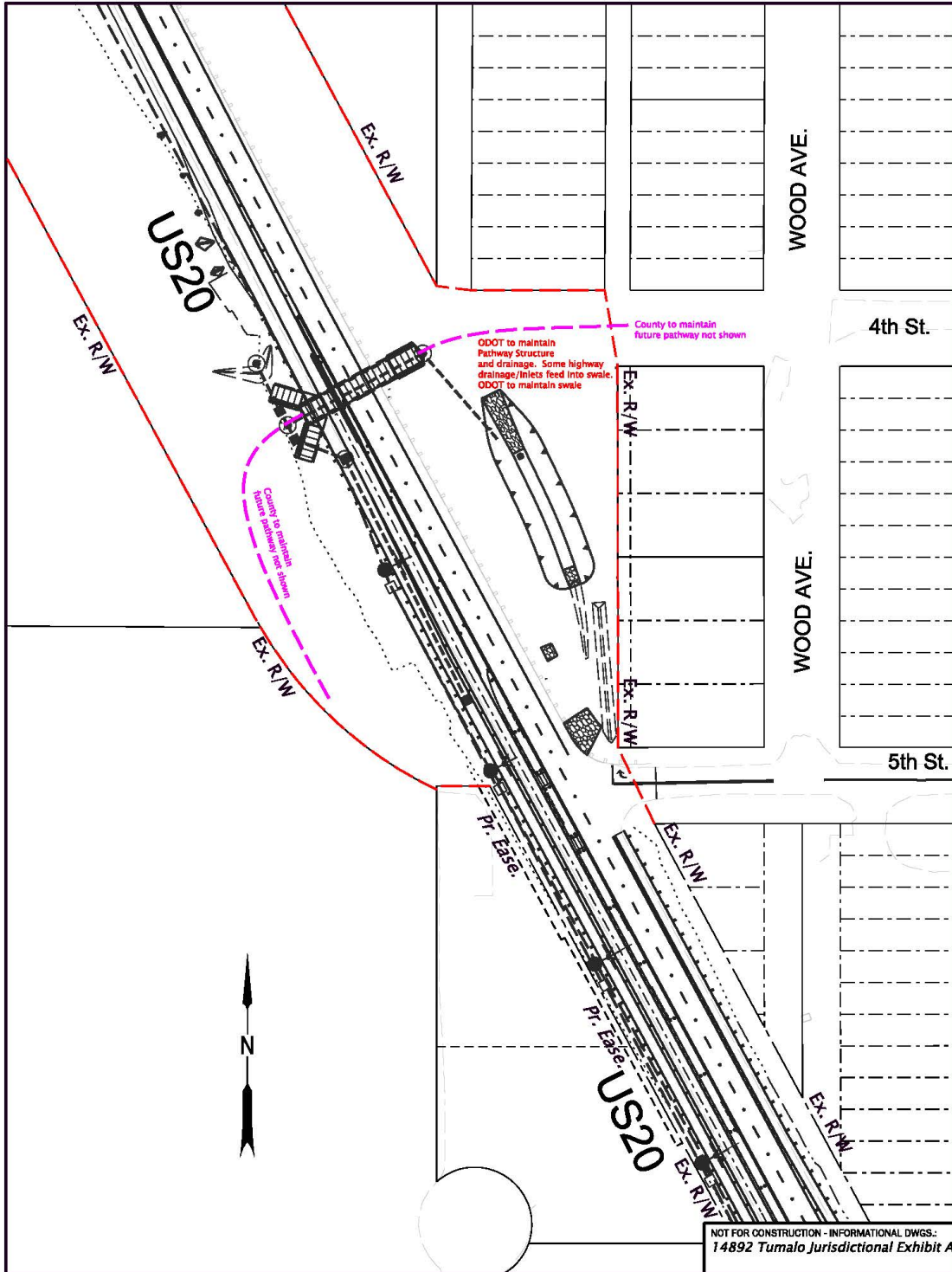


EXHIBIT B-2
Maintenance Responsibilities of the Parties

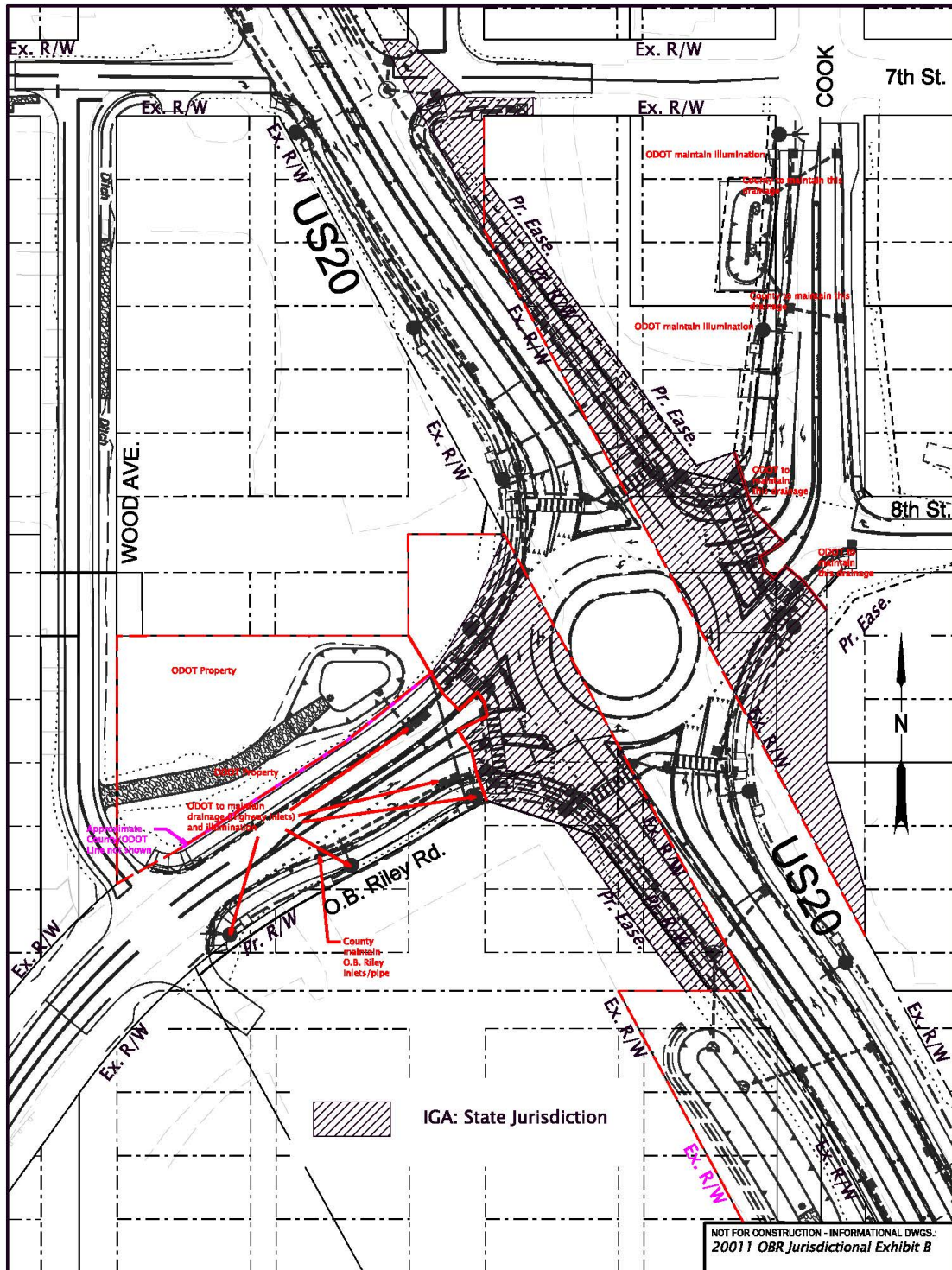


EXHIBIT B-3
Maintenance Responsibilities of the Parties

