

AMENDMENT NUMBER 02
LOCAL AGENCY AGREEMENT
2017 Oregon Transportation Funding
Local Agreement
Project Name: North 1st Place (Hermiston)
City of Hermiston

This is Amendment No. 02 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as "State," or "ODOT" and City of Hermiston, acting by and through its elected officials, hereinafter referred to as "Agency," entered into on July 25, 2018, and Amendment Number 32616-01 entered into on January 31, 2023.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to extend agreement end date beyond the initial 7-year designation and update state contact information to current Transportation Project Manager.

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.**

Terms of Agreement, Paragraph 5, Page 2 which reads:

The term of this Agreement will begin upon the date all required signatures are obtained and will terminate upon completion of the Project and final payment or Seven (7) calendar years following the date of final execution, whichever is sooner.

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

The term of this Agreement will begin upon the date all required signatures are obtained and will terminate upon completion of the Project and final payment or December 31, 2026, following the date of final execution, whichever is sooner.

State Obligation, Paragraph 3, Page 8 which reads:

State's Project Manager for this Agreement is Michael P. Barry, Local Agency Liaison, 32012 Island Avenue, La Grande, OR, 97850. Phone: (541) 963-1353. Michael.p.barry@odot.state.or.us or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

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

State's Project Manager for this Agreement is Michelle Owen, Local Agency Liaison, 3012 Island Avenue, La Grande, OR, 97850. Phone: (541) 280-4860.

Michelle.OWEN@odot.oregon.gov or assigned designee upon individual's absence.

State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

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.
5. **Electronic Signatures.** The Parties agree that signatures showing on PDF documents, including but not limited to PDF copies of the Agreement and amendments, submitted or exchanged via email are "Electronic Signatures" under ORS Chapter 84 and bind the signing Party and are intended to be and can be relied upon by the Parties. State reserves the right at any time to require the submission of the hard copy originals of any documents.

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.

Signature page to follow

CITY OF HERMISTON, by and through
its elected officials

By _____
Mayor or other assigned designee

Date _____

By _____
City Recorder of other assigned
designee

Date _____

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

By _____
Agency Counsel

Date _____

Agency Contact:

Mark Morgan, Assistant City Manager
180 NE 2nd Street
Hermiston, OR, 97838
541-567-5521
mmorgan@hermiston.or.us

State Contact:

Michelle Owen, Local Area Liaison
3012 Island Ave
La Grande, OR, 97850
541-280-4860
Michelle.owen@odot.oregon.gov

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 5 Manager

Date _____

APPROVAL RECOMMENDED

By _____
District 12 Manager

Date _____

By _____
State Roadway Engineer

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By N/A
Assistant Attorney General (If over
\$250,000)

Date: _____