

**THIRD AMENDMENT TO INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF JOHNSTOWN AND
THE LITTLE THOMPSON WATER DISTRICT**

THIS THIRD AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (“Third Amendment”) is made and entered into on this ____ day of _____, 2023, by and between the TOWN OF JOHNSTOWN, COLORADO, a home-rule municipality of the Counties of Larimer and Weld, State of Colorado (“Town”), and the LITTLE THOMPSON WATER DISTRICT, a special district organized pursuant to Colorado law (“District”) (collectively, the “Parties”).

RECITALS

WHEREAS, on or about October 21, 2002, the Parties entered into that certain Intergovernmental Agreement concerning, among other matters, the establishment of emergency and temporary water service (“2002 Agreement”); and

WHEREAS, the 2002 Agreement provides that it shall remain in full force and effect for twenty (20) years, to and including October 21, 2022, and that, during the year prior to termination, the Parties shall review the 2002 Agreement for purposes of considering the advisability of extending, altering or modifying the terms thereof; and

WHEREAS, on or about January 21, 2009, the Parties entered into a separate Intergovernmental Agreement concerning, among other matters, the designation of water providers for properties within the Town for a term of twenty (20) years (“2009 Agreement”), providing that, if any terms conflict with the 2002 Agreement, the terms of 2009 Agreement will control; and

WHEREAS, the Parties are diligently negotiating the terms of a new agreement, but have not concluded such negotiations; and

WHEREAS, Section 9.08 of the 2002 Agreement provides that the Parties may modify the 2002 Agreement in writing; and

WHEREAS, to effectuate the foregoing, on or about August 15, 2022, the Parties entered into that certain First Amendment to Intergovernmental Agreement, extending the term of the 2002 Agreement to March 1, 2023; and

WHEREAS, to allow the Parties additional time to finalize a new agreement, on or about April 17, 2023, the Parties entered into that certain Second Amendment to Intergovernmental Agreement, extending the term of the 2002 Agreement to June 30, 2023; and

WHEREAS, because the Parties have not yet finalized a new agreement, the Parties desire to enter into this Third Amendment to extend the term of the 2002 Agreement to December 31, 2023.

AGREEMENT

NOW, THEREFORE, in consideration of the terms, conditions and covenants set forth in this Third Amendment and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Recitals. The Recitals set forth above are incorporated herein by reference.
2. Amendment. Paragraph 7 of the 2002 Agreement is hereby deleted in its entirety and in its place inserted the following:

7. ***Term***. This Agreement shall remain in full force and effect until December 31, 2023. The Town and the District agree that not less than one (1) year prior to the expiration of the Agreement both parties shall jointly review the Agreement for the purpose of considering the advisability of extending, altering or modifying this Agreement.

3. Effect of Amendment. Except as expressly provided in this Third Amendment, the 2002 Agreement has not been amended, supplemented or altered in any way by this Third Amendment and the Agreement shall remain in full force and effect in accordance with its terms. If there is any inconsistency between the terms of the Agreement and the terms of this Third Amendment, the provisions of this Third Amendment will govern and control.

IN WITNESS WHEREOF, the Parties have executed this Third Amendment as of the date set forth above.

ATTEST:

THE TOWN OF JOHNSTOWN,
a home-rule municipality of the
State of Colorado

By: _____

Clerk _____

By:
Hannah Hill, Town
Troy D. Mellon, Mayor

ATTEST:

LITTLE THOMPSON WATER DISTRICT,
a special district of the State of Colorado

By: _____

By:
Amber Kauffman, Secretary
Emily McMurtrey, President