



COMMISSIONERS COURT
COMMUNICATION

COURT ORDER NUMBER <#CourtOrderNumber#>

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DATE: 1/28/2025

SUBJECT: CONSIDERATION OF AMENDMENT NO. 2 TO THE INTERLOCAL AGREEMENT BETWEEN TARRANT COUNTY AND THE CITY OF FOREST HILL RELATED TO THE WICHITA STREET WIDENING PROJECT - 2021 TRANSPORTATION BOND PROGRAM

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court consider Amendment No. 2 to the Interlocal Agreement (ILA) between Tarrant County and the City of Forest Hill related to the Wichita Street Widening Project - 2021 Transportation Bond Program (TBP), located in Precinct 1.

BACKGROUND

On December 13, 2022, the Commissioners Court, through Court Order #139976, entered into an ILA with the City of Forest Hill for financial support of up to \$11,110,000.00 for the cooperative funding of improvements to Wichita Street Widening as described in the 2021 Tarrant County TBP, Countywide Initiatives and Partnership (CWI), funding category.

On September 5, 2023, the Commissioner Court, through Court Order #141673, approved additional funding through the 2021 TBP, CWI, funding category, authorizing an increase of the County's funding portion by \$2,500,000.00.

On January 23, 2024, the Commissioners Court, through Court Order #142522, approved Amendment No. 1 to the ILA, extending the term of the ILA and revised payment schedule.

The project is in the final design phase, requiring that the agreement expiration term be extended.

With approval, the original ILA will be amended to extend the expiration date to September 30, 2027 to continue the 2021 TBP funding for this project, and Articles III, IV, and V, are repealed and replaced, and Attachment A is repealed in its entirety.

This ILA has been reviewed by the Auditor's Office and approved as to form by the Criminal District Attorney's Office.

FISCAL IMPACT

The fiscal impact to Tarrant County for the entire project will be \$14,310,000.00 in the 2021 TBP funds.

SUBMITTED BY	Transportation Services	PREPARED BY:	Sarah VanTassel
		APPROVED BY:	Scott Hall



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The fiscal impact for the 2021 TBP in FY 2025 will be \$5,500,000.00 and is available in account 47800-2025 2021 TBP CWI / 6840100000 Transportation / 579061 County Projects.

STATE OF TEXAS § **Amendment No. 2 of Interlocal Agreement**
 § **for Wichita Street Widening Project**
COUNTY OF TARRANT §

BACKGROUND

Tarrant County (“COUNTY”) and the City of Forest Hill (“CITY”) entered into an Interlocal Agreement approved by Tarrant County Commissioners Court Order No. 139976 for financial support of up to \$11,110,000, for the cooperative funding of improvements to Wichita Street Widening (“Project”) as described in the 2021 Tarrant County Transportation Bond Program. The 2021 Transportation Bond Program (TBP), Countywide Initiatives and Partnerships Category, was authorized on September 5, 2023, by Tarrant County Commissioners Court, Court Order No. 141673, and on January 23, 2024, Court approval of the Renewal and Amendment No. 1 through Court Order No. 142522 authorizing an increase of the COUNTY’s funding share by \$2,500,000. The Interlocal Agreement between the COUNTY and CITY along with the Renewal and Amendment No. 1 are referred to herein collectively as the “ILA.”

The COUNTY and CITY desire to make further amendments to the ILA.

Therefore, the COUNTY and CITY agree to the following amendments to the ILA:

Section 1. The ILA sections III, IV, and V shall be repealed and replaced in their entirety to read as follows:

**“III.
TERM**

This ILA shall become effective upon the approval of both parties and shall terminate on September 30, 2027, unless terminated as described in Section XIII in the ILA or extended in writing and approved by both parties.

**IV.
FISCAL FUNDING ACKNOWLEDGEMENT**

Tarrant County bond funds will be encumbered on a fiscal year basis in accordance with the Certification of Available Funds attached hereto as Exhibit 1. In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable by any means whatsoever in any fiscal period for payments due under this ILA, then the affected party will immediately notify the other party of such occurrence and this ILA may be terminated on the last day of the fiscal period for which appropriations were received without penalty or expense to the affected party of any kind whatsoever, except to the portions of annual payments herein agreed upon for which funds shall have been appropriated.

V.
REIMBURSEMENT PROCESS

The COUNTY agrees to reimburse the CITY for 100% of the actual eligible PROJECT costs in an amount not to exceed \$13,610,000.00 and \$700,000.00 for ROW Acquisition paid by COUNTY. Any reimbursement request from the CITY should include: 1) a copy of the invoice or billing for design services, right-of-way acquisition purchase, and construction; and 2) a copy of the check, a certification letter, or other documentation to verify the CITY's proof of payment. The final reimbursement payment to the CITY will be contingent upon the City Manager or Mayor providing written notification to the COUNTY that the project is complete along with identification of final project costs. COUNTY bond funds for the Project are allocated as follows:

County Payment by Phase*

Design:	\$0.00
ROW Acquisition:	\$700,000.00
Construction:	<u>\$13,610,000.00</u>
TOTAL:	\$14,310,000.00

TBP Funding Category: 2021 Countywide Initiatives and Partnerships

* *Reimbursement payments will be issued by the COUNTY for eligible expenses incurred during the Fiscal Year for which bond funds are certified by the Tarrant County Auditor.*

The CITY understands that the CITY will be responsible for cost overruns and any other expenses incurred by the CITY in performing the services described herein. The CITY agrees that the COUNTY retains control over when reimbursement payments will be disbursed to the CITY."

Section Two. Attachment A to the ILA is repealed in its entirety.

Section Three. Exhibit 1 attached to this Amendment No. 2 shall be incorporated into and be a part of the ILA for all purposes as though fully set forth therein.

Section Three. All other paragraphs, terms and language of the ILA remain unchanged and in effect.

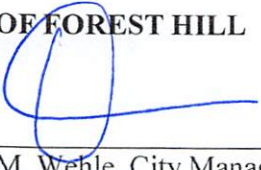
APPROVED and EFFECTIVE on this day the _____ day of _____, 2025, by
Tarrant County.

Commissioners Court Order No. _____.

**TARRANT COUNTY
STATE OF TEXAS**

CITY OF FOREST HILL

Tim O'Hare, County Judge



Venus M. Wehle, City Manager

Attested by:

Amy L. Anderson, City Secretary

APPROVED AS TO FORM:

Criminal District Attorney's Office*

City Attorney

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

EXHIBIT 1

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF:

\$ _____ as follows:

Fiscal year ending September 30, 2025: \$5,500,000 TBP 2021 Countywide Initiatives and Partnerships Pct 1

Previous \$700,000 encumbrance was for ROW acquisition by Tarrant County.

The construction phase of this project will be funded as follows:

Tarrant County Funding

2021 Transportation Bond Program – Countywide Initiatives and Partnerships: \$13,610,000

Other Funding (by separate agreements)

City of Forest Hill contribution: \$ 2,390,000

City of Fort Worth contribution: \$ 500,000

Total \$16,500,000

Auditor's Office