

CONGER MINE COST SHARE AGREEMENT AMENDMENT

Amendment # 01	Cost Share Agreement between Boulder County and Division of Reclamation, Mining and Safety
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1) PARTIES

This Amendment to the above-referenced Original Cost Share Agreement (hereinafter called the Agreement) is entered into by and between the Board of County Commissioners on behalf of the County of Boulder, State of Colorado, a body corporate and politic, for the benefit of Parks and Open Space, 5201 St. Vrain Road, Longmont, CO 80503 (hereinafter called “Boulder County”), and the STATE OF COLORADO (hereinafter called the “State”) acting by and through the Department of Natural Resources, Division of Reclamation Mining and Safety, (hereinafter called the “DRMS”).

2) EFFECTIVE DATE AND ENFORCEABILITY

This Amendment shall not be effective or enforceable until it is approved and signed by all parties (hereinafter called the “Effective Date”). Boulder County shall not be liable to pay or reimburse DRMS for any performance hereunder including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

3) FACTUAL RECITALS

The Parties entered into the Agreement to restore a portion of the Sherwood creek riparian corridor which is currently impacted by the historic Conger mine.

4) CONSIDERATION-COLORADO SPECIAL PROVISIONS

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment. The Parties agree to replacing the Colorado Special Provisions with the most recent version (if such have been updated since the Agreement and any modification thereto were effective) as part consideration for this Amendment.

5) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Agreement, and the Agreement and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

6) MODIFICATIONS.

The Agreement and all prior amendments thereto, if any, are modified as follows:

a. EXPIRATION DATE

The expiration date has been extended to a full one (1) year as allowed under State Contracts to December 31, 2025 with the possibility of future extensions if agreed to by both parties.

ORDER OF PRECEDENCE

Except for the Special Provisions, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Contract or any amendment shall always control other provisions in the Contract or any amendments.

b. AVAILABLE FUNDS

Financial obligations of the state payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

*** Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the State is relying on their representations to that effect.**

COUNTY OF BOULDER, a body corporate and politic	STATE OF COLORADO
Signature By: Ashley Stolzmann, Chair Board of Boulder County Commissioners Date: _____	By: Jeff T. Graves, Director, Office of Active and Inactive Mine Program Date: _____