

MODIFICATION #1
TO
LETTER OF AGREEMENT
BETWEEN THE
UNITED STATES OF AMERICA
AND THE
CITY OF FORT WORTH
FOR
FLOODPLAIN MANAGEMENT SERVICES
Base Flood Elevations for selected Fort Worth Floodway Sumps

This MODIFICATION LETTER OF AGREEMENT is entered into this _____ day of _____, 2022, by and between the Department of the Army (hereinafter called the "Government"), represented by the U.S. Army Corps of Engineers, Southwestern Division, and the City of Fort Worth (hereinafter called the "Non-Federal Sponsor"), represented by the Assistant City Manager, Dana Burghdoff, collectively referred to as the "Parties."

WITNESSETH THAT:

WHEREAS, Section 206 of the Flood Control Act of 1960, 33 U.S.C. § 709a (as amended) authorizes the Secretary of the Army, acting through the Chief of Engineers, to compile and disseminate information on floods and flood damages and to provide engineering advice in planning to ameliorate the flood hazard to Federal and non-Federal interests, referred to as the "Flood Plain Management Services Program;" and to collect from Federal agencies and private persons fees for the purpose of recovering the cost of providing the requested services and to accept funds voluntarily contributed by state, regional, or local governments for the purpose of expanding the scope of the services requested by the entities; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform as hereinafter set forth and intend to cooperate with the terms of this Letter of Agreement ("LOA").

NOW THEREFORE, the Agreement dated February 16, 2017, is hereby modified in the following particulars, but in no others:

1. Change Paragraph 2 to read -

"The total cost of the Floodplain Services estimated for this LOA is \$200,000. As of the effective date of this LOA, \$0.00 of Federal funds is currently projected to be available for the Floodplain Services. The total cost to the Non-Federal Sponsor is \$200,000. The Non-Federal Sponsor shall voluntarily contribute in cash 100 percent of the estimated

costs of the Floodplain Services; provided that the Government shall not obligate any cash contribution by the Non-Federal Sponsor toward costs of the Floodplain Services until such cash contribution has actually been made available to it by the Non-Federal Sponsor.”

2. Change Paragraph 3 to read –

“Within thirty (30) days after the effective date of this LOA, the Non-Federal Sponsor agrees to provide a cashier or certified check(s) or an Electronic Funds Transfer in accordance with procedures established by the Government in the amount of \$200,000. Payments shall be made payable to FOA, USAED, Fort Worth District. No Floodplain Services shall be commenced until payment in the full amount of \$200,000 is received. Payments by the Non-Federal Sponsor may be sent to "FAO, USAED, Fort Worth District" to the US Army Corps of Engineers Finance Center, CEFC-AD-C-EROC M2, 5722 Integrity Drive, Millington, TN 38054-5005, or by providing an Electronic Funds Transfer of such required funds in accordance with procedures established by the Government.”

For the Government:

For the Non-Federal Sponsor:

IN WITNESS WHEREOF, the parties hereto have executed this LOA Modification #1 that shall become effective upon the date it is signed by the Division Engineer.

THE UNITED STATES OF AMERICA

CITY OF FORT WORTH

BY _____
JONATHAN S. STOVER, P.E., PMP
Colonel, EN
Commanding

BY _____
DANA BURGHDOFF
Assistant City Manager
City of Fort Worth

DATE_____

DATE_____