

TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

То:	Honorable Mayor and Town Council	Date: April	Date: April 11, 2017	
From:	Brad Miller, Town Engineer Engineering Department	Item No:	6	
Subject:	AMENDMENT NO. 1 FOR TIME EXTENSION OF THE CONSTRUCTION FUNDING AGREEMENT FOR THE YUCCA LOMA ROAD WIDENING - PROJECT NO. 2015-02			
T.M. Approval:		Budgeted Item:] Yes □ No ⊠ N/A	

RECOMMENDED ACTION:

That the Town Council approve Amendment No. 1 of Project Funding Agreement 15-1001116, between San Bernardino County Transportation Authority and the Town of Apple Valley, for the Yucca Loma Road Widening, subject to approval as to form by the Town Attorney.

SUMMARY:

The Town entered into a Project Funding Agreement with San Bernardino County Transportation Authority for the Yucca Loma Road Widening project in February 2015 with a termination date of June 31, 2017. The purpose of this amendment is to extend the Agreement's current termination date to December 31, 2017.

BACKGROUND:

In February of 2015, the Town of Apple Valley entered into a Project Funding Agreement with San Bernardino County Transportation Authority (SBCTA). Through this Agreement, SBCTA agreed to be responsible for forty-five percent (45%) of the Yucca Loma Road Widening construction costs. The Town agreed to be responsible for the remaining fifty-five percent (55%) of the construction costs. As Lead Agency, the Town agreed to advertise, award, administer and initially fund the construction activities.

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FISCAL IMPACT:

There is no fiscal impact associated with this Amendment.

ATTACHMENT:

1. Amendment No. 1 to Project Funding Agreement 15-1001116.

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AMENDMENT NO. 1 TO PROJECT FUNDING AGREEMENT 15-1001116

FOR

THE YUCCA LOMA ROAD PROJECT IN THE TOWN OF APPLE VALLEY

(TOWN OF APPLE VALLEY)

THIS AMENDMENT NO. 1 to PROJECT FUNDING AGREEMENT 15-1001116 is made and entered into by and between the TOWN OF APPLE VALLEY ("TOWN") and the SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY ("SBCTA"). SBCTA and TOWN are each a "Party" and collectively "Parties".

RECITALS

- A. The Parties entered into Project Funding Agreement No. 15-1001116 on or about February 5, 2015 ("Agreement"), to fund the right of way phase of the Yucca Loma Road Project ("PROJECT"); and
- B. The Parties desire to amend the Agreement to extend its termination date to December 31, 2017; and
- C. SBCTA was referred to as "AUTHORITY" in the Agreement. This Amendment No. 1 shall also serve to clarify all references to the San Bernardino County Transportation Authority.

NOW, THEREFORE, the Parties agree to amend the Agreement as follows:

- 1. All references to AUTHORITY in the Agreement shall mean the San Bernardino County Transportation Authority ("SBCTA").
- 2. Paragraph 7 of Section III is deleted in its entirety and replaced with the following:
 - "7. This Agreement will be considered terminated upon reimbursement of eligible costs by SBCTA or December 31, 2017, whichever is sooner, provided that the provisions of Paragraphs 6, 7, 8, 9, and 10 of Section II, and Paragraphs 5 and 6 of Section III, shall survive the termination of this Agreement. The Agreement may also be terminated by SBCTA, in its sole discretion, in the event that PROJECT work described in Attachment A has not been initiated or let by TOWN within twelve (12) months of the Effective Date of this Agreement."
- Except as amended by this Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect and are incorporated herein by this reference.

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4. The Recitals set forth above are incorporated herein by this reference.

SAN BERNARDINO COUNTY

5. This Amendment No. 1 shall be effective on the date executed by SBCTA.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 1 below.

TRANSPORTATION AUTHORITY	TOWN OF APPLE VALLEY	
Ву:	By:	
By:Raymond W. Wolfe, Ph.D. Executive Director	By: Scott Nassif Mayor	
Date:	Date:	
APPROVED AS TO FORM:	APPROVED AS TO FORM:	
By: Eileen Monaghan Teichert SBCTA General Counsel	By: John Brown Town Counsel	
Date:	Date:	
CONCURRENCE:		
By: Jeffery Hill Procurement Manager		
Date:		

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