

FISCAL IMPACT:

There is no fiscal impact associated with this Amendment.

ATTACHMENT:

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

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.”
- 3. 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.

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

**SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY**

TOWN OF APPLE VALLEY

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: _____