

ATTACHMENT 1

12-ORA-405 KP 19.0
CONSTRUCT NEW HYLAND AVE.
ON RAMP.
122208-083801 SJ300CM
District Agreement 12-340 A-1

AMENDMENT NO. 1 TO AGREEMENT

This AMENDMENT NO. 1 TO AGREEMENT entered into effective on _____, 2004, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as “STATE”, and

THE CITY OF COSTA MESA

A body politic and a municipal corporation of the State of California, referred to herein as “CITY”

RECITALS

1. The parties have previously entered into a Cooperative Agreement (District Agreement No. 12-340 Document No. 014513) dated August 18, 1999, , setting forth the parties' responsibilities for constructing a new onramp on Northbound Route 405 at Hyland Avenue within the jurisdiction of CITY, referred to herein as "IMPROVEMENTS".
2. The parties now wish to revise some of the costs listed in said Agreement.

IT IS THEREFORE MUTUALLY AGREED:

1. Article 6 of Section II of the original Agreement is hereby amended in its entirety to read as follows:

City's share of the expense of right-of-way capital' estimated to be \$1,251,127.00, shall be an amount equal to 100% of the total actual right-of-way cost for parcel No. 101848, including right-of-way support and any utility relocation necessary as part of IMPROVEMENTS . City's share of the expense of right-of-way support shall be a lump-sum amount of \$90,000.

2. Exhibit A of the original Agreement is hereby replaced in its entirety with Exhibit A-1 attached to and made a part of this Amendment No.1 to Agreement.
3. All other terms and conditions of said Agreement (Document No. 014513) not in conflict with this Amendment No. 1 to Agreement shall remain in full force and effect.
4. This Amendment No.1 to Agreement is hereby deemed to be a part of Document No. 014513.

STATE OF CALIFORNIA
Department of Transportation

CITY OF COSTA MESA

RANDALL IWASAKI
Interim Director of Transportation

By: _____
MAYOR

STATE OF CALIFORNIA

CITY OF COSTA MESA

ATTEST:

By: _____
CITY CLERK

By: _____
ENRIQUE ALONSO
Deputy District Director
District 12

APPROVED AS TO FORM:

By: _____
CITY ATTORNEY

APPROVED AS TO FORM AND PROCEDURE:

By: _____
Attorney
Department of Transportation

CERTIFIED AS TO FUNDS:

By: _____
District Budget Manager

CERTIFIED AS TO FINANCIAL TERMS AND CONDITIONS:

By: _____
Accounting Administrator

EXHIBIT A-1

CITY'S SHARE:

| | | |
|-----------------------------------------------------------------------------|---|-----------------|
| Estimated Right of Way Capital Costs | = | \$ 1,251,127.00 |
| Estimated Construction cost | = | \$690,000.00 |
| Estimated Monthly Deposit = $\frac{\$690,000.00}{4 \text{ Months}}$ | = | 172,500.00 |
| Estimated Construction Engineering Cost (12% of total construction cost) | = | 83,000.00 |
| Estimated Monthly Deposit $\frac{\$83,000.00}{4 \text{ Months}}$ | = | 21,000.00 |
| Estimated Right of Way Support Costs | = | 90,000.00 |