

1 **WHEREAS**, on February 28, 1994, COSTA MESA and AUTHORITY entered into Agreement
2 No. C-93-626, combining the MOS-2 and MOS-3 into a single project (hereinafter referred to as
3 “MOS-2 and 3 PROJECT”). The construction of the MOS-2 and 3 PROJECT provided minimal
4 landscaping and COSTA MESA and SANTA ANA along with effected businesses have expressed
5 serious concern with regards to the appearance of the I-405/Bristol Street and SR-55/MacArthur
6 Boulevard interchanges;

7 **WHEREAS**, AUTHORITY, COSTA MESA and SANTA ANA have agreed to extend the term of
8 this Agreement through December 31, 2008 to allow for additional time to complete the landscaping
9 project and undergo a not-to-exceed twelve month plant establishment period for the new landscaping
10 work, as part of the project’s original plans and specifications, with no increase to the maximum
11 payment obligation; and

12 **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY, COSTA MESA,
13 and SANTA ANA that Agreement C-5-2592 is hereby amended in the following particulars only;

14 1. Amend **ARTICLE 8. TERM OF THE AGREEMENT**, to delete paragraph in its entirety,
15 and, in lieu thereof, insert the following:

16 “This Agreement shall commence upon execution of this Agreement by all parties and shall
17 continue in full force and effect through December 31, 2008 unless terminated earlier due to either the
18 completion of the landscaping project per project’s original plans and specifications and/or a not-to-
19 exceed twelve month plant establishment period for the new landscaping work, whichever is completed
20 earlier. This Agreement may also be extended by the written mutual agreement by all parties.”

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1 The balance of Agreement No. C-5-2592 remains unchanged.

2 This Amendment No. 1 shall be made effective upon execution by both parties.

3 **IN WITNESS WHEREOF**, the parties hereto have caused this Amendment No. 1 to Agreement
4 C-5-2592 to be executed on the date first written above.

5 **CITY OF COSTA MESA**

ORANGE COUNTY TRANSPORTATION AUTHORITY

6
7 By: _____
Allan R. Mansoor
Mayor, City of Costa Mesa

By: _____
Virginia Abadessa, Manager
Contract Administration and Materials Management

8
9 **ATTEST:**

APPROVED AS TO FORM:

10 By: _____
Julie Folcik
Clerk of the Council

By: _____
Kennard R. Smart, Jr.
General Counsel

11
12 **APPROVED AS TO FORM:**

13
14 By: _____
Kimberly Hall Barlow
City Attorney

1 **CITY OF SANTA ANA**

2
3 By: _____
4 David N. Ream
City Manager

5 **ATTEST:**

6 By: _____
7 Patricia E. Healy
Clerk of the Council

8 **APPROVED AS TO FORM:**

9
10 Joseph W. Fletcher
City Attorney

11 By: _____
12 Benjamin Kaufman
13 Chief Assistant City Attorney