

12-Ora-405 KP 18.43 (PM 11.45)

Construct Tieback Walls

And Modify Ramps

At Harbor Boulevard

12208 – 0G5001

District Agreement No. 12-541 A-1

AMENDMENT No. 1 TO AGREEMENT

This AMENDMENT No. 1 TO AGREEMENT, ENTERED INTO EFFECTIVE ON  
\_\_\_\_\_ 2008, is between the STATE OF CALIFORNIA, acting by and through  
its  
Department of Transportation referred to herein as STATE, and

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 hereto entered into an Agreement (District Agreement No. 12-541) on February 2, 2007, said Agreement defining the terms and conditions of a project to construct State highway improvements consisting of construction of a tie back wall on northbound Harbor Boulevard under I-405 to provide an exclusive lane to northbound I-405 on ramp, and reconstruction of southbound Harbor Boulevard at I-405 to provide four through lanes between South Coast Drive and the I-405 southbound on ramp, referred to herein as "PROJECT".
2. It has been determined that PROJECT will not be constructed prior to the termination date of said Agreement.

IT IS THEREFORE MUTUALLY AGREED:

1. The termination date specified in Section III Article 17 of the original agreement shall now be December 31, 2010, instead of December 31, 2008.
2. All other terms and conditions of said Agreement (District Agreement No. 12-541) shall remain in full force and effect.
3. This Amendment No. 1 to Agreement is hereby deemed to be a part of District Agreement No. 12-541.

**STATE OF CALIFORNIA**  
DEPARTMENT OF TRANSPORTATION  
WILL KEMPTON  
Director of Transportation

**CITY of COSTA MESA**

Mayor

By: \_\_\_\_\_  
JIM BEIL  
Deputy District Director  
Capital Outlay Program

By: \_\_\_\_\_

APPROVED AS TO FORM AND PROCEDURE:

ATTESTED:

By: \_\_\_\_\_  
Attorney  
Department of Transportation

By: \_\_\_\_\_  
JULIE FOLCIK  
City Clerk

CERTIFIED AS TO FINANCIAL TERMS  
AND CONDITIONS

APPROVED AS TO FORM

By: \_\_\_\_\_  
Accounting Administrator

By: \_\_\_\_\_  
KIMBERLY HALL BARLOW  
City Attorney

CERTIFIED AS TO FUNDS

By: \_\_\_\_\_  
NEDA SABER  
District Budget Manager