

**AMENDMENT NO. 3 TO TRANSPORTATION UNIFORM MITIGATION FEE
PROGRAM AGREEMENT**

HOLLAND ROAD / I-215 OVERPASS

This Amendment No. 3 to Transportation Uniform Mitigation Fee Program Agreement (“Amendment No. 3”) is entered into this _____ day of _____, 2023, by and between the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (“WRCOG”) and the **CITY OF MENIFEE** (“AGENCY”). WRCOG and the AGENCY are sometimes referred to individually as “Party” and collectively as “Parties.”

RECITALS

A. WRCOG and AGENCY have entered into an agreement numbered 18-CN-MEN-1181 titled “Transportation Uniform Mitigation Fee Program Agreement” that is dated **3/30/2020** (“Agreement”), Amendment 1 that is dated **11/17/2021**, and Amendment 2 that is dated **10/19/2022** (“Amendments”). The Agreement and Amendments provide the terms and conditions, scope of work, schedule and funding amount for the CON (construction) Phase of the **Holland Road / I-215 Overpass** (hereinafter the “Project”).

B. The Parties desire to amend the Agreement and Amendments by increasing the original construction funding amount pursuant to Sections 6 and 33 of the Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and subject to the conditions contained herein, the Parties hereby agree as follows:

1. The Funding Amount contained in Section 2 of the Agreement and additional funding amount in the Amendments is hereby increased by One Million Dollars (\$1,000,000) for the construction phase of the project which includes the Holland Road segment from Antelope Road to Haun Road, for a total of **Eleven Million Two Hundred Fifty-Five Thousand Dollars (\$11,255,000)**.

2. The foregoing increase in the Funding Amount is within the Maximum TUMF Share.

3. The change in scope for this project is amended to include acquisition of needed right-of-way.

4. Exhibits "A-1" and "A-2" of the Agreement are hereby replaced in their entirety by Exhibits "A-1" and "A-2" of this Amendment No. 3, which are attached hereto and incorporated by reference.

5. The above-stated Recitals are hereby fully incorporated into this Amendment No. 3.

6. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions of the Agreement shall remain in full force and effect between the Parties hereto.

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 3 to be executed by their duly authorized representatives to be effective on the day and year first written above.

**WESTERN RIVERSIDE COUNCIL
OF GOVERNMENTS**

CITY OF MENIFEE

By: _____
Dr. Kurt Wilson,
Executive Director

Approved to Form:

By: _____
Steven C. DeBaun
General Counsel

By: _____
Rebekah Kramer, Acting City Manager

Approved to Form:

By: _____
Jeffrey T. Melching, City Attorney

Attest:

By: _____
Sarah Manwaring, City Clerk

EXHIBIT “A”

SCOPE OF WORK

1. **SCOPE OF WORK:** The Scope of Work as contained in the original agreement shall remain intact. The amounts included in table A-1 and A-2 are being increased as follows:

EXHIBIT “A-1”**ESTIMATE OF COST**

| Phase | TUMF | LOCAL | TOTAL |
|---------------------|--------------|--------------|--------------|
| PA&ED | | \$ 800,000 | \$ 800,000 |
| PS&E | | \$ 1,538,190 | \$ 1,538,190 |
| RIGHT OF WAY | | \$3,110,000 | \$ 3,110,000 |
| CONSTRUCTION | \$11,255,000 | \$15,517,421 | \$26,772,421 |
| TOTAL | \$11,255,000 | \$20,965,611 | \$32,220,611 |

EXHIBIT “A-2”**PROJECT SCHEDULE****TIMETABLE:**

| Phase | Estimated Completion Date | Estimated Cost | Comments |
|---------------------|--------------------------------------|-----------------------|-----------------|
| PA&ED | October 2020 | \$ 800,000 | Completed |
| PS&E | February 2022 | \$ 1,538,190 | Completed |
| RIGHT OF WAY | October 2021 | \$ 3,110,000 | Completed |
| CONSTRUCTION | July 2024 | \$26,772,421 | In Process |
| TOTAL | | \$32,220,611 | |