

AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE CITY OF SAN MATEO FOR THE ACQUISITION AND CONVEYANCE OF PROPERTY RIGHTS IN SUPPORT OF CITY OF SAN MATEO'S UNDERGROUND FLOW EQUALIZATION SYSTEM PROJECT

This Amendment No. 1 to the Agreement between the County of San Mateo and the City of San Mateo for the Acquisition and Conveyance of Property Rights in Support of City of San Mateo's Underground Flow Equalization System Project is entered into on _____, 2023, between the City of San Mateo, a municipal corporation ("City"), and the County of San Mateo, a political subdivision of the State of California ("County"). The parties hereto shall be referred to individually as a "Party" and collectively as the "Parties."

R E C I T A L S:

WHEREAS, City is undertaking a project referred to as the "Underground Flow Equalization System" project (the "Project") that involves the construction of an underground wastewater holding structure and related facilities to increase the capacity of the City's sewer system and prevent sanitary sewer overflows;

WHEREAS, County owns certain real property situated in the County of San Mateo, State of California, at 2495 South Delaware Street, (APN:040-030-220) (the "Property"), on which the San Mateo County Event Center ("Event Center") operates an active fairgrounds and events facility;

WHEREAS, an Agreement between the County and City for the acquisition and conveyance of property rights in support of the City's Project was entered into on December 20, 2019 ("Agreement"), whereby County granted, and City purchased, an easement for the construction, operation, and maintenance of a below-ground wastewater holding structure and related surface and sub-surface appurtenances on the Property, as more particularly identified and described herein;

WHEREAS, the Agreement granted the City certain temporary rights to use identified portions of the Property for temporary access, construction, staging, and other approved activities necessary for the Project ("Permit") and as more particularly described in the Agreement's Exhibit B - Permit Terms and Conditions, incorporated herein by reference;

WHEREAS, the Permit allowed the City temporary use of certain portions of the Property ("Premises") commencing April 13, 2020 and terminating April 13, 2023, with an option to extend the use of the Premises for up to six months;

WHEREAS, in order to finish construction of the Project, the City now desires to extend the use of certain portions of the Premises through November 30, 2023, which exceeds the six-month extension option by one and a half months; and

WHEREAS, the County is agreeable to this Amendment to grant an extension, to support the completion of construction of the Project.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained, and for other good and valuable consideration moving between the parties, City and County agree as follows:

1. AMENDMENT TO AGREEMENT, SECTION 4: PERMIT PURCHASE PRICE.

The permit payment amount is revised as underlined, shown below:

In consideration of the temporary rights granted to City pursuant to Section 3 hereof, City shall pay to County a total of \$ 2,308,000 [Two Million Three Hundred and Eight Thousand Dollars]. Pursuant to Exhibit B, Paragraph 4, the City shall pay an additional \$328,760 [Three Hundred Twenty Eight Thousand Seven Hundred Sixty Dollars] for a term extension for continued use of the Premises. Said payment shall be made to the San Mateo Exposition and Fair Association prior to the City's exercise of any rights granted pursuant to Section 3 hereof.

2. AMENDMENT TO EXHIBIT B PERMIT TERMS AND CONDITIONS, SECTION 4: TERM.

The term to use the Premises is revised as strikethrough and underlined, shown below:

City shall be permitted to use the Premises for the period commencing April 13, 2020 and terminating ~~April 13, 2023~~ (“Term”): use of each permit area, as identified in Exhibit B-1, as follows (“Term”):

<u>Permit Area #1:</u>	<u>November 30, 2023</u>
<u>Permit Area #2:</u>	<u>April 13, 2023</u>
<u>Permit Area #3:</u>	<u>August 17, 2023</u>

The City anticipates the construction of the Project and the need for the permitted use of the Premises to conclude by the dates listed above. The County may, upon request of the City, approve an extension of the Term through the end of the 2023 calendar year. The price of any such extension shall be calculated pro-rata on a weekly basis and based on the length of the extension and the Permit Purchase Price. Any such request and/or approval must be delivered in writing.

3. The estimated cost of the extended Permit period, pursuant to Exhibit B, Section 4, is shown as **Attachment 1** to this Amendment, attached and incorporated herein.
4. The remaining terms of the Agreement remain in full force and effect.

[SIGNATURE PAGE FOLLOWS]

Attachment 1 - Permit Extension Cost Calculation

Original Term		Calculated	
Begin	End	Weeks	Permit Cost
4/13/2020	4/13/2023	156.43	\$2,308,000.00

Term (weeks)	156
Cost per (sf)	\$27.2215
Cost per (sf/wk)	\$0.1745

Area	Description	Total	Extension		Cost
		Amount (sq ft)	Date	Weeks	
1	Staging area	33,120.00	11/30/2023	33.00	\$190,717.84
2	Tie-backs	7,717.00	4/13/2023	0.00	\$0.00
3	Haul Road	43,949.00	8/17/2023	18.00	\$138,041.15
	Total	84,786.00			\$328,758.99

Certificate Of Completion

Envelope Id: 2E9ABB405DDE43038D0FD18B3CA2E0B4	Status: Completed
Subject: Time Sensitive DocuSign Envelope - Underground Flow Equalization System	
Source Envelope:	
Document Pages: 4	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Stamps: 1
Envelopeld Stamping: Enabled	Envelope Originator:
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	Martin McTaggart
	330 W. 20th Avenue
	City Clerk's Office
	San Mateo, CA 94403
	mmctaggart@cityofsanmateo.org
	IP Address: 76.14.0.98

Record Tracking

Status: Original 4/3/2023 11:01:19 PM	Holder: Martin McTaggart mmctaggart@cityofsanmateo.org	Location: DocuSign
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Signer Events

Signer Events	Signature	Timestamp
Linh Nguyen nguyen@cityofsanmateo.org Security Level: Email, Account Authentication (None)		Sent: 4/3/2023 11:07:43 PM Viewed: 4/4/2023 8:29:07 AM Signed: 4/4/2023 8:52:00 AM
	Signature Adoption: Pre-selected Style Using IP Address: 76.14.0.98	

Electronic Record and Signature Disclosure:

Accepted: 4/4/2023 8:29:07 AM
ID: 7786dd08-fd12-4172-920f-c48e9088ffa5

Drew Corbett dcorbett@cityofsanmateo.org X City Manager Security Level: Email, Account Authentication (None)		Sent: 4/4/2023 8:52:01 AM Viewed: 4/4/2023 10:58:10 AM Signed: 4/4/2023 10:58:16 AM
	Signature Adoption: Pre-selected Style Using IP Address: 69.209.30.64	

Electronic Record and Signature Disclosure:

Accepted: 4/4/2023 10:58:10 AM
ID: 9c817044-f4fb-4fd4-9ccf-a083c76fc57f

Patrice M. Olds polds@cityofsanmateo.org City Clerk City of San Mateo Security Level: Email, Account Authentication (None)		Sent: 4/4/2023 10:58:17 AM Viewed: 4/4/2023 11:03:11 AM Signed: 4/4/2023 11:03:31 AM
	Using IP Address: 76.14.0.98	

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events	Status	Timestamp
Martin McTaggart mmctaggart@cityofsanmateo.org Deputy City Clerk City of San Mateo Security Level: Email, Account Authentication (None)	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	Sent: 4/4/2023 11:03:32 AM Resent: 4/4/2023 11:03:34 AM Viewed: 4/4/2023 11:13:06 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	4/3/2023 11:07:43 PM
Certified Delivered	Security Checked	4/4/2023 11:03:11 AM
Signing Complete	Security Checked	4/4/2023 11:03:31 AM
Completed	Security Checked	4/4/2023 11:03:32 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	Allow per session cookies

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