

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION AUTHORIZING: A) THE PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE 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 THE CITY OF SAN MATEO’S UNDERGROUND FLOW EQUALIZATION SYSTEM PROJECT; AND B) THE COUNTY EXECUTIVE, OR DESIGNEE(S), TO EXECUTE NOTICES, DOCUMENTS, AND INSTRUCTIONS ASSOCIATED WITH THE AMENDMENT NO. 1.

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, in March 2009, the San Francisco Bay Regional Water Quality Control Board issued a Cease-and-Desist Order to the City of San Mateo (“City”) mandating the elimination of sanitary sewer overflows from its wastewater system; and

WHEREAS, in order to comply with the Cease-and-Desist Order, the City is constructing the Underground Flow Equalization System (“UFES”) Project which consists of an underground 5.3-million-gallon wastewater holding structure that will increase the capacity of the City’s wastewater system; and

WHEREAS, the 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"), the site of the San Mateo County Event Center, which is managed by the San Mateo County Exposition and Fair Association (“Association”); and

WHEREAS, on December 20, 2019, the County and City entered into an agreement for the acquisition and conveyance of certain easement rights impacting the

Property in support of the UFES Project (“Agreement”): an easement for the construction, operation, and maintenance the underground wastewater holding structure and related surface and sub-surface appurtenances; and a temporary construction easement (“Temporary Easement”); and

WHEREAS, the Temporary Easement currently allows the City to use of certain portions of the Property from April 13, 2020 through April 13, 2023, with an option to extend the use for up to an additional six (6) months (i.e., through October 13, 2023), in exchange for which the City paid the County \$2,308,000; and

WHEREAS, in order to complete construction of the UFES Project, the City desires to extend the Temporary Easement through as late as December 31, 2023, which exceeds the current six-month extension period; and

WHEREAS, Amendment No. 1 to the Agreement (“Amendment No. 1”) extends the Temporary Easement through as late as November 30, 2023 in exchange for the City’s payment of an additional \$328,760, which payment will be made to the Association because the Temporary Easement affects the Association’s management of the San Mateo County Event Center at the Property; and

WHEREAS, this Board has been provided a copy of, and desires to enter into, Amendment No. 1.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the President of the Board of Supervisors is hereby authorized to execute Amendment No. 1.

IT IS FURTHER DETERMINED AND ORDERED that the County Executive, or designee(s), is hereby authorized and directed to execute notices, documents, and instructions associated with Amendment No. 1, including such additional extensions as are deemed necessary to complete the project by December 31, 2023.

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