

AMENDMENT NO. 1 TO HIGHWAY 101/PRADO ROAD INTERCHANGE FUNDING AGREEMENT

**AGREEMENT BETWEEN THE COUNTY OF SAN LUIS OBISPO
AND THE CITY OF SAN LUIS OBISPO**

This Amendment No. 1 to the Agreement Between the County of San Luis Obispo and the City of San Luis Obispo (“Amendment No. 1”) is made this ____ day of _____, 2022 (the “Effective Date”), by and between the County of San Luis Obispo (“County”) and the City of San Luis Obispo (“City”).

WHEREAS, on December 19, 2019, the County and the City entered into an agreement (the “Original Agreement”) wherein the County agreed to contribute \$1,435,260 towards the construction of the Highway 101/Prado Road Interchange Overpass (“Project”);

WHEREAS, the Original Agreement has a term of thirty months beginning September 19, 2019, with a 12 month extension for a total of 42 months;

WHEREAS, the City intends to initiate the Plans, Specifications and Estimates (PSE) and Right of Way (R/W) phases of the Project on or about January 1, 2024, instead of May 1, 2020 as per the Original Agreement, due to delays in the Project;

WHEREAS, the City has therefore requested an amendment to the Original Agreement to tie funding to project phases, to accommodate any potential future project delays;

WHEREAS, the City finds that it is in its best interests to agree to extend the agreement to contribute to the building of this infrastructure;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and County agree as follows:

1. Recitals. The above recitals are true and correct and incorporated herein by this reference.
2. Amendment to Original Agreement. Section 3 of the Original Agreement is hereby amended as follows:

TERM OF AGREEMENT

The term of this Agreement shall automatically terminate upon the County’s contribution of its share of cost (\$1,435,260) to the City. County funding is tied to Plans, Specifications and Estimates (PSE) and right of Way (R/W) phases of the project, which the City currently anticipates to begin in January 2024. If the City does not begin the PSE and R/W phases of the project by June 30, 2027, the County reserves the right to terminate this Agreement and release the designated \$1,435,260 back to the General Fund for the County’s use, following an opportunity for the City to meet and confer with the County and consideration of a written request for extension by the City should such an extension become necessary due to project contingencies.

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3. Original Agreement. Except as amended in this Amendment No. 1, all terms and conditions in the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 by their duly authorized officers as of the Effective Date.

COUNTY OF SAN LUIS OBISPO

BY: _____

Bruce Gibson, Board Chair

AUTHORIZED BY BOARD ACTION

_____, 2022

ATTEST

WADE HORTON

Ex-Officio Clerk of the Board of Supervisors

By: _____

Annette Ramirez, Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT

RITA L. NEAL

County Counsel

By: _____

Jon Ansolabehere, Assistant County Counsel

Date: _____

Amendment No. 1 to Highway 101/Prado Road Interchange Funding Agreement

CITY OF SAN LUIS OBISPO

By: _____

Derek Johnson, City Manager

Date: _____

APPROVED AS TO FORM AND LEGAL EFFECT

J. CHRISTINE DIETRICK

City Attorney

By: _____

J. Christine Dietrick, City Attorney

Date: _____