

AMENDMENT NO. 3
TO FUNDING AGREEMENT NO. A-10489

Between
THE REDEVELOPMENT AGENCY OF THE COUNTY OF MONTEREY
AND
THE COUNTY OF MONTEREY

Hyland Drive & El Rancho Way Storm Drain and Street Improvement Project

This Amendment No. 3 to Agreement No. A-10489 for the Hyland Drive & El Rancho Way Storm Drain and Street Improvement Project ("Project") in the community of Boronda is made and entered into by and between the Redevelopment Agency of the County of Monterey ("Agency") and The County of Monterey ("County").

RECITALS

- A. The parties entered into Agreement No. A-10489 ("Agreement") on June 20, 2006 for the Agency to provide up to \$296,008 in financial assistance to the County to provide engineering design services including concept design, schematic design, design development, and preparation of construction documents for the Project.

As part of that approval process, the Board of Supervisors made the following findings in compliance with Health & Safety Code §33345:

1. The building, facilities, structure or other improvements are of benefit to the Project Area;
 2. No other reasonable means of financing the improvements are available to the community; and
 3. The cost of acquiring the land or the cost of improvements will assist in the elimination of one or more blighting conditions.
- B. The parties approved Amendment No. 1 to the Agreement on February 13, 2007 to provide up to \$1,603,992 in financial assistance to the County to provide bidding, construction, and construction management services for the Project, for a total Project cost not to exceed \$1,900,000, and to extend the term of the Agreement to December 31, 2008.
- C. The parties approved Amendment No. 2 to the Agreement on June 16, 2009 to provide increased financing in the amount of \$1,684,400 for design and construction for a total Project cost not to exceed \$3,584,400, and to extend the term of the Agreement to December 31, 2012.
- D. The parties now desire to amend the Agreement in accordance with Section 7 therein to reduce the financing required for design and construction of the project by \$394,273 for a total project cost not to exceed \$3,190,127; to redefine the roles of the County Office of Redevelopment and Housing and the County Department of Public Works during construction of the project; and to extend the term to June 30, 2013.

- E. The parties have reviewed the findings made at the time of the original Agreement as described in Paragraph A above, and are satisfied that those findings are still valid.

NOW, THEREFORE, the parties agree as follows:

1. Agency and County re-affirm their cooperation in seeking to complete the Project in the most efficient and economical manner, including, but not limited to, the use of each other's efforts in the qualification or pre-qualification of contractors and consultants, and their respective powers under law.
2. Section 2 of the original Agreement is hereby amended to provide that the County Redevelopment and Housing Office shall manage the final permit and right-of-way acquisition, bidding, and construction of the Hyland Drive & El Rancho Way Storm Drain and Street Improvements-Boronda Project. Management responsibility, as related to construction services, includes: selecting and managing consultants for construction management, geotechnical testing, construction staking, and design services during construction; advertising for bids; opening and review of bids; recommendation for award of contract; management of construction contract; and utility coordination.
3. Section 2 is further amended to provide that the County Department of Public Works shall provide technical review and support of the final design, bidding, and construction of the project to ensure the completed improvements may be accepted into to the County road maintenance system. Public Works shall be reimbursed on a time-and-material basis for its services in this regard. It is presently estimated that the budget for these services will not exceed a total of \$81,360.
4. Section 5, Term, is hereby amended to provide that the term of this Agreement shall continue until June 30, 2013, unless further extended or terminated pursuant to the terms of the Agreement.
5. The Project Budget is hereby amended in accordance with Exhibit A-3 attached hereto to indicate a Total Project Budget of \$3,190,127.
6. Except as provided herein, all other terms and conditions of the Agreement remain unchanged and in full force and effect.

IN WITNESS THEREOF, the parties hereto have executed this Amendment No. 3 as of the last day and year set forth below:

REDEVELOPMENT AGENCY OF THE
COUNTY OF MONTEREY

By Jane B Parker
Chair, Board of Directors

Date 1-25-11

MONTEREY COUNTY

By Jane B Parker
Chair, Board of Supervisors

Date 1-25-11

APPROVED AS TO FORM
Agency Counsel

By Kay Reenan
Deputy

Date: 12/23/10

APPROVED AS TO FORM
County Counsel

By Kay Reenan
Deputy

Date: 12/23/10

Exhibit A-3

Hyland Drive & El Rancho Way
Storm Drain and Street Improvement Project

PROJECT BUDGET

	<u>Work by</u> <u>Public Works</u>	<u>Work by</u> <u>Red & Hsg Off</u>	<u>Total Project</u> <u>Budget</u>
<u>Design/Environmental</u>			
RHO Staff Admin & ROW	-	69,415	69,415
PW Staff Design Support	152,469	-	152,469
PW Staff Field Survey	16,164	-	16,164
Drainage Consultant	952	-	952
Design Consultant	232,307	72,120	304,427
Dept of Fish & Game Permit	-	1,859	1,859
Habitat Surveys for DFG Permit	<u>7,658</u>	<u>23,727</u>	<u>31,385</u>
	\$ 409,550	\$ 167,121	\$ 576,671
<u>Right Of Way/Utilities</u>			
Appraisal Consultant	2,400	14,480	16,880
PW Staff Rights of Entry	3,598	-	3,598
Preliminary Title Reports	4,000	7,200	11,200
Purchase Easements	7,347	86	7,433
Utility Relocation	4,908	109,267	114,175
Right of Way Consultant	7,040	-	7,040
PW Staff ROW Monumentation	<u>10,000</u>	<u>-</u>	<u>10,000</u>
	\$ 39,293	\$ 131,033	\$ 170,326
<u>Construction Management</u>			
Advertising Fees	-	1,500	1,500
PW Staff Tech Review	81,360	-	81,360
Consultant Const Mgt/Inspection	-	236,420	236,420
Consultant Design Servs dur Const	-	7,850	7,850
Consultant Const Staking	-	20,000	20,000
Consultant Geotech Testing	<u>-</u>	<u>50,000</u>	<u>50,000</u>
	\$ 81,360	\$ 315,770	\$ 397,130
<u>Construction Contract</u>			
Construction Contract Est	-	1,860,000	1,860,000
Contingencies - 10%	<u>-</u>	<u>186,000</u>	<u>188,000</u>
	-	\$2,046,000	\$2,046,000
TOTAL PROJECT BUDGET	\$ 530,203	\$2,659,924	\$3,190,127