

# Attachment D

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**AMENDMENT NO. 1  
TO AGREEMENT FOR PURCHASE OF REAL PROPERTY  
BETWEEN COUNTY OF MONTEREY AND  
DON KEITH JOHNSTON AND SUSAN J. JOHNSTON,  
HUSBAND AND WIFE AS JOINT TENANTS**

**THIS AMENDMENT NO. 1** to Agreement for Purchase of Real Property between the County of Monterey, a political subdivision of the State of California (hereinafter, "County" or "Grantee") and Don Keith Johnston and Susan J. Johnston, Husband and Wife as Joint Tenants (hereinafter, "Grantor") is hereby entered into between the Grantee and the Grantor (collectively, the "Parties") and effective as of the last date opposite the respective signatures below.

**WHEREAS**, Don Keith Johnston and Susan J. Johnston, Husband and Wife as Joint Tenants entered into "Agreement for Purchase of Real Property with County" on December 13, 2017 (hereinafter, "Agreement") to grant a permanent Roadway Easement and Temporary Construction Easement (TCE) for use by County to construct the Nacimiento Lake Drive Bridge Replacement Project (Project); and

**WHEREAS**, the TCE is needed by the County for the purpose of providing access, staging area, and use of equipment for construction for the Project; and

**WHEREAS**, the County has not used the TCE from "the date of County's deposit of the full purchase price into escrow (March 27<sup>th</sup>, 2018) due to a delay in the start of the Project; and

**WHEREAS**, the start date of the project has been delayed until May 2020 and County has a continued need for the Temporary Construction Easement during the construction of the project, which will be later than initially planned; and

**WHEREAS**, County requires the change of the beginning date of the Temporary Construction Easement from "the date of County's deposit of the full purchase price into escrow" as stated in the first sentence of Clause 5 of the Agreement to "the date of May 1, 2020" which will allow County to utilize the TCE to construct the Project ; and

**WHEREAS**, the Parties wish to amend the Agreement to change the beginning date of the Temporary Construction Easement to May 1<sup>st</sup>, 2020 for the term of two (2) years to May 1, 2022 with no associated dollar amount increase to allow GRANTEE to provide for the necessary area for construction of the Nacimiento Lake Drive Bridge Replacement Project as identified in the Agreement and as amended by this Amendment No. 1; and

**WHEREAS**, the County will not need to utilize the option to extend the term of the TCE for a period of 12 months as stated in the second paragraph of Clause 5 of the Agreement.

**NOW, THEREFORE**, the Parties agree to amend the Agreement as follows:

1. Amend the second sentence of Clause 5, "Temporary Construction Easement:", to read as follows:

The "Temporary Construction Easement" shall be for a period of twenty-four (24) months from May 1, 2020 to May 1, 2022.

2. Delete the second paragraph of Clause 5 "Temporary Construction Easement"
3. All other terms and conditions of the Agreement, including all Exhibits thereto, remain unchanged and in full force.
4. This Amendment No. 1 shall be attached to the Agreement and incorporated therein as if fully set forth in the Agreement.
7. The recitals to this Amendment No. 1 are incorporated into the Agreement and this Amendment No. 1.

Agreements for purchase of Project Property are contingent upon the approval of the County of Monterey.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

**GRANTORS**

**Don Keith Johnston and Susan J. Johnston, husband and wife as joint tenants**

By: Don Keith Johnston  
Don Keith Johnston

Date: 5/1/20

By: Susan J. Johnston  
Susan J. Johnston

Date: 5/1/20

**GRANTEE**

**County of Monterey**

By: \_\_\_\_\_  
Carl P. Holm - Director RMA

Date: \_\_\_\_\_

APPROVED AS TO FORM:  
County Counsel

By: Mary Grace Perry  
Mary Grace Perry  
Deputy County Counsel

Date: June 11, 2020

\*INSTRUCTIONS: IF CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

Agreements for purchase of Project Property are contingent upon the approval of the County of Monterey.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 1 to the Agreement which shall be effective as of the last date opposite the respective signatures below.

**GRANTORS**

**Don Keith Johnston and Susan J. Johnston, husband and wife as joint tenants**

By: Don Keith Johnston  
Don Keith Johnston

Date: 5/1/20

By: Susan J. Johnston  
Susan J. Johnston

Date: 5/1/20

**GRANTEE**

**County of Monterey**

By: \_\_\_\_\_  
Carl P. Holm - Director RMA

Date: \_\_\_\_\_

APPROVED AS TO FORM:  
County Counsel

By: \_\_\_\_\_  
Mary Grace Perry  
Deputy County Counsel

Date: \_\_\_\_\_

\*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

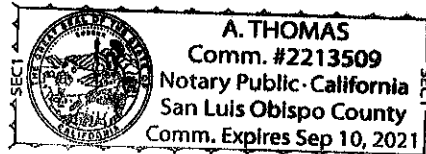
State of California  
County of Monterey

On 05/01/2020 before me, A. Thomas, Notary Public  
(insert name and title of the officer)

personally appeared Don Keith Johnson and Susan J. Johnson  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature  (Seal)

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