

MONTEREY COUNTY

PUBLIC WORKS, FACILITIES & PARKS



(831) 755-4800
www.co.monterey.ca.us

Randell Ishii, MS, PE, TE, PTOE, Director

1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

MEMORANDUM

Date: April 21, 2022

To: CLERK TO THE BOARD

From: RACHEL ENOSARAN x5197
PUBLIC WORKS, FACILITIES & PARKS

Subject: ORIGINAL EXECUTED AGREEMENT
LEG FILE ID # A 22-069 – AGREEMENT NO # A-14685 A2

Please find enclosed an original executed agreement to purchase the Real Property of Thomas and Randy Cooper along with the board order for your files.

Thank you.



Monterey County Board of Supervisors

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066
www.co.monterey.ca.us

A motion was made by Supervisor Chris Lopez, seconded by Supervisor John M. Phillips to:

Agreement No.: A-14685; Amendment No.: 2

- a. Approve Amendment No. 2 to the Agreement for Purchase of Real Property between County of Monterey and Thomas A. Cooper and Randy R. Cooper, husband and wife as joint tenants (APN 424-091-017), to amend the Temporary Construction Easement to begin on May 1, 2020, and end on May 1, 2024 for a period of four years for the construction of Nacimiento Lake Drive Bridge Project, Project No. 2202; and
- b. Authorize the Director of Public Works, Facilities & Parks to execute the Amendments to the Agreements for Purchase of Real Property on behalf of the County.

PASSED AND ADOPTED on this 15th day of March 2022, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams
NOES: None
ABSENT: None
(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting March 15, 2022.

Dated: March 16, 2022
File ID: A 22-069
Agenda Item No.: 36

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

A handwritten signature in cursive script, appearing to read "Julian Lorenzana".

Julian Lorenzana, Deputy

**AMENDMENT NO. 2
TO AGREEMENT FOR PURCHASE OF REAL PROPERTY
BETWEEN COUNTY OF MONTEREY AND
THOMAS A. COOPER AND RANDY R. COOPER,
HUSBAND AND WIFE AS JOINT TENANTS**

THIS AMENDMENT NO. 2 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 Thomas A. Cooper and Randy R. Cooper, 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, Thomas A. Cooper and Randy R. Cooper, Husband and Wife as Joint Tenants entered into "Agreement for Purchase of Real Property with County" on December 13, 2017 (hereinafter, "Agreement") and added Amendment No. 1 to the Agreement on April 28, 2020 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, County requires two additional years to complete the construction of the Project and requires the change of the ending date of the TCE from May 1, 2022 to May 1, 2024 which will allow County to utilize the TCE to complete the construction of the Project ; and

WHEREAS, the Parties wish to amend the Agreement and Amendment No. 1 with Amendment No. 2 to change the TCE from "beginning date of the Temporary Construction Easement on May 1st, 2020 for the term of two (2) years until May 1, 2022" to "beginning date of the Temporary Construction Easement on May 1st, 2020 for the term of four (4) years until May 1, 2024" 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 Amendment No. 1 and this Amendment No. 2; and

WHEREAS, a waiver appraisal of the additional TCE was conducted by Grantee's right of way consultant "Bender Rosenthal" and the just compensation value of the additional 2 (two) years of TCE was determined to be \$3,600.00

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 forty-eight (48) months from beginning date of May 1, 2020 to ending date of May 1, 2024.

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

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

Thomas A. Cooper and Randy R. Cooper, husband and wife as joint tenants

By: Thomas A. Cooper
Thomas A. Cooper

Date: 1-14-2022

By: Randy R. Cooper
Randy R. Cooper

Date: 1/14/2022

GRANTEE

County of Monterey

By: _____
Randell Ishii, MS, PE, TE, PTOE
Director - Department of
Public Works, Facilities and Parks

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.

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

Thomas A. Cooper and Randy R. Cooper, husband and wife as joint tenants

By: Thomas A. Cooper
Thomas A. Cooper

Date: 1-14-2022

By: Randy R. Cooper
Randy R. Cooper

Date: 1/14/2022

GRANTEE

County of Monterey

By: DocuSigned by:
Randell Ishii
C09779208FE84F3
Randell Ishii, MS, PE, TE, PTOE
Director - Department of
Public Works, Facilities and Parks

Date: 4/21/2022

APPROVED AS TO FORM:
County Counsel

By: DocuSigned by:
Mary Grace Perry
A1933B26E717442
Mary Grace Perry
Deputy County Counsel

Date: 4/21/2022 | 8:24 AM PDT

*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.