



Contract Number
17-103 A-2

SAP Number

San Bernardino County Flood Control District

Department Contract Representative	Melissa Walker P.E.
Telephone Number	(909) 387-7906
Contractor	City of Fontana
Contractor Representative	Ricardo Sandoval
Telephone Number	(909) 350-7606
Contract Term	February 14, 2017 – February 14, 2037
Original Contract Amount	Non-Financial CUA
Amendment Amount	Non-Financial CUA
Total Contract Amount	Non-Financial CUA
Cost Center	1910002518

IT IS HEREBY AGREED AS FOLLOWS:

CITY OF FONTANA

MULTI-USE TRAIL - COMMON USE AGREEMENT – AMENDMENT NO. 2

WHEREAS, on April 1, 2003, the San Bernardino County Flood Control District (**DISTRICT**) and City of Fontana (**CITY**) executed a Common Use Agreement, Contract No. 03-299, for the construction of a multipurpose recreational trail along the **DISTRICT'S** San Sevaine Channel from Foothill Boulevard northeasterly to the Southern Pacific Electric Railroad corridor's southernly fencing limit; and

WHEREAS, on February 14, 2017, **DISTRICT** and **CITY** executed a second Common Use Agreement (**CUA**), Contract No. 17-103, to extend the existing multipurpose recreational trail along the San Sevaine Channel, from the Southern Pacific Electric Railroad (**SPRR**) fencing, northerly to Banyan Street (**TRAIL**); and

WHEREAS, on April 6, 2021, **DISTRICT** and **CITY** executed an Amendment No. 1 to the **CUA** to extend the **TRAIL** along the San Sevaine Channel, from the **SPRR** fencing, northerly to the I-15 Freeway; and

WHEREAS, Section 12 of the **CUA** authorizes the parties to amend the **CUA** in a writing signed by both parties; and

WHEREAS, DISTRICT and CITY now desire to amend the **CUA** to add to the **TRAIL**, a section that runs approximately 0.85 miles along the west side of Hawker Crawford Channel, beginning at the north side of Duncan Canyon Road and stretching north to Lytle Creek Road, as shown in the enclosed **Exhibit A-1**; and

WHEREAS, DISTRICT is currently processing a construction permit, Permit No. FCCON-2021-00048, to the **CITY** to construct the new segment of the **TRAIL**, the location of which is shown on attached plans, marked as **AREA OF COMMON USE NO. 3** on the attached map marked as **Exhibit "A-1"**; and

WHEREAS, DISTRICT and CITY desire to amend the existing **CUA** to add the additional segment of multi-use trail, and

NOW, THEREFORE, IT IS UNDERSTOOD AND MUTUALLY AGREED AS FOLLOWS:

1. The **CUA** is hereby amended by adding the following as the third Recital to the **CUA**:

WHEREAS, DISTRICT is currently processing a construction permit, Permit No. FCCON-2021-00048, to the **CITY** to add an additional segment of the multi-use trail along the west side of Hawker Crawford Channel, that extends from Duncan Canyon Road northerly to Lytle Creek Road, for an approximate distance of 0.85 miles (hereinafter called "**CITY IMPROVEMENTS NO. 3**"), the location of which is shown on attached plans, marked as **AREA OF COMMON USE NO. 3** on the attached map marked as **Exhibit "A-1"**; and

2. **DISTRICT and CITY** agree that all terms and conditions of the **CUA** shall also apply to **CITY IMPROVEMENTS NO. 3** located in **AREA OF COMMON USE NO. 3**.
3. The definitions of **CITY IMPROVEMENTS** and **AREA OF COMMON USE** set forth in the **CUA** are hereby amended to include **CITY IMPROVEMENTS NO. 3** and **AREA OF COMMON USE NO. 3**, defined herein.
4. The Parties agree that this Amendment No. 2 may be executed in counterparts, each of which shall be deemed to be an original, but both of which together shall constitute one and the same instrument, and that a photocopy or facsimile may serve as an original. If this Amendment No. 2 is executed in counterparts, no signatory hereto shall be bound until both the parties have fully executed a counterpart of this Amendment No. 2. The Parties shall be entitled to sign and transmit an electronic signature of this Amendment No. 2 (whether by facsimile, PDF, or other email transmission), which signature shall be binding on the party whose name is contained therein. Each Party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Amendment No. 2 upon request.
5. Unless amended as set forth herein, all terms and conditions of the **CUA** shall remain unchanged and in full force and effect.
6. This Amendment No. 2 shall take effect on the date it is signed by both Parties.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, this Amendment No. 2 has been fully executed on behalf of DISTRICT and CITY by their duly authorized representatives.

**SAN BERNARDINO COUNTY
FLOOD CONTROL DISTRICT**

▶ *Curt Hagman*
Curt Hagman, Board Chairman

Dated: OCT 26 2021
SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD



By *Lynna Monell*
Lynna Monell, Clerk of the Board
Deputy

City of Fontana

(Print or type name of corporation, company, contractor, etc.)
By ▶ *Mark Denny*
(Authorized signature - sign in blue ink)

Name Mark Denny
(Print or type name of person signing contract)

Title City Manager
(Print or Type)

Dated: _____

Address 8353 Sierra Ave.
Fontana, CA 92335

FOR COUNTY USE ONLY

Approved as to Legal Form
▶ *see attached*
Sophie A. Akins, Deputy County Counsel
Date _____

Reviewed for Contract Compliance
▶ *Andy Silao*
Andy Silao, P.E.
Date *10/18/2021*

Reviewed/Approved by District
▶ *Brendon Biggs*
Brendon Biggs, Chief Flood Control Engineer
Date *10/18/21*

IN WITNESS WHEREOF, this Amendment No. 2 has been fully executed on behalf of DISTRICT and CITY by their duly authorized representatives.

**SAN BERNARDINO COUNTY
FLOOD CONTROL DISTRICT**

City of Fontana

(Print or type name of corporation, company, contractor, etc.)

▶

Curt Hagman, Board Chairman

By ▶ 

(Authorized signature - sign in blue ink)

Dated: _____
SIGNED AND CERTIFIED THAT A COPY OF THIS
DOCUMENT HAS BEEN DELIVERED TO THE
CHAIRMAN OF THE BOARD
Lynna Monell, Clerk of the Board

Name Mark Denny
(Print or type name of person signing contract)

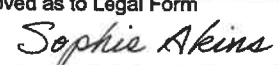
Title City Manager
(Print or Type)

By _____
Deputy

Dated: _____

Address 8353 Sierra Ave.
Fontana, CA 92335

FOR COUNTY USE ONLY

Approved as to Legal Form
▶ 

Sophie A. Akins, Deputy County Counsel
Date October 4, 2021

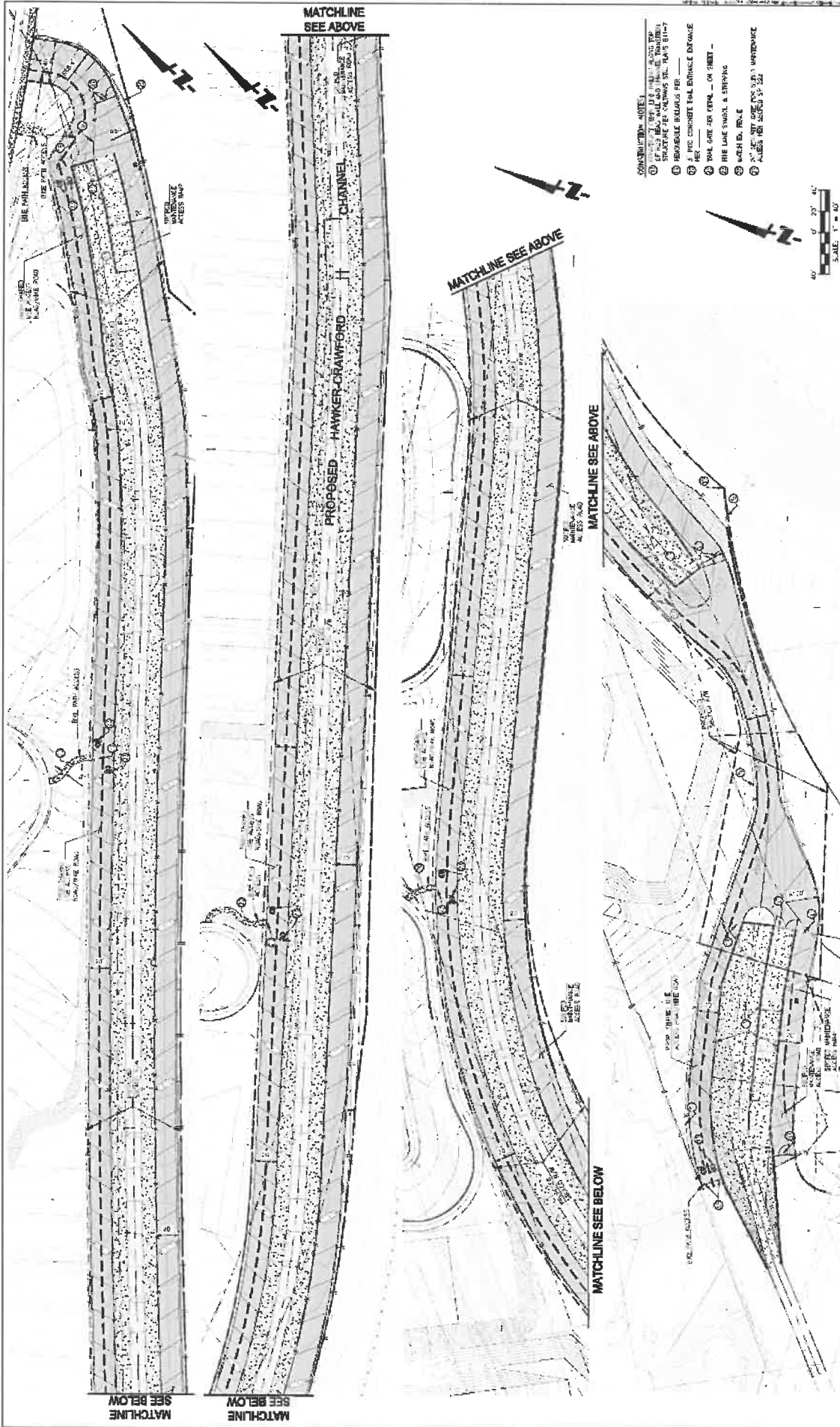
Reviewed for Contract Compliance
▶ _____
Andy Silao, P.E.
Date _____

Reviewed/Approved by District
▶ _____
Brendon Biggs, Chief Flood Control Engineer
Date _____

EXHIBIT A-1





AREA OF COMMON USE NO. 3



- CONSTRUCTION NOTES:**
- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION.
 - 2. PERMISSIBLE BELLAWS PER _____
 - 3. 1.5% CONCRETET PAV. DRAINAGE DEGRADE PER _____
 - 4. 2\"/>



 <p style="font-size: 8px;">The Hoisington Group, Inc. 10000 Wilshire Blvd., Suite 1000 Beverly Hills, CA 90210 Tel: 310.277.2000 www.hoisington.com</p>	<p style="font-size: 8px;">UNDESIGNED SERVICE ALERT CALL TOLL FREE 1-800-277-2000 THE HOISINGTON GROUP</p>	<p style="font-size: 8px;">REMARKS: SEE A TRAIL IN THE AREA LOCATED WITHIN THE AREA OF COMMON USE NO. 3 OF THE HAWKER-CRAWFORD CHANNEL PROJECT. SEE SHEET 17 OF 18.</p>	<p style="font-size: 8px;">PREPARED BY: FUSCOE ENGINEERING ARCHITECTS 10000 Wilshire Blvd., Suite 1000 Beverly Hills, CA 90210 Tel: 310.277.2000 www.fuscoe.com</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">NO.</th> <th style="width: 10%;">REVISION</th> <th style="width: 10%;">DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	REVISION	DATE										<p style="font-size: 8px;">COUNTY OF SAN BERNARDINO DEPARTMENT OF PUBLIC WORKS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">DESIGNED BY: _____</td> <td style="width: 50%;">REVIEWED BY: _____</td> </tr> <tr> <td>DRAWN BY: _____</td> <td>APPROVED BY: _____</td> </tr> <tr> <td>CHECKED BY: _____</td> <td>DATE: _____</td> </tr> </table>	DESIGNED BY: _____	REVIEWED BY: _____	DRAWN BY: _____	APPROVED BY: _____	CHECKED BY: _____	DATE: _____	<p style="font-size: 8px;">ROAD NO. DRAINAGE IMPROVEMENT PLANS</p> <p style="font-size: 8px;">FILE NO. HAWKER-CRAWFORD CHANNEL</p> <p style="font-size: 8px;">SHEET 7 OF 8 BIKE TRAIL PLAN MONARCH HILLS</p>
NO.	REVISION	DATE																							
DESIGNED BY: _____	REVIEWED BY: _____																								
DRAWN BY: _____	APPROVED BY: _____																								
CHECKED BY: _____	DATE: _____																								