

Contract Number

SAP Number



San Bernardino County Flood Control District

Department Contract Representative	Melissa Walker P.E.
Telephone Number	(909) 387-7995
Contractor	City of Ontario
Contractor Representative	Jamie Richardson
Telephone Number	(909) 395-2615
Contract Term	No Change to Term
Original Contract Amount	Non-Financial CUA
Amendment Amount	Non-Financial CUA
Total Contract Amount	Non-Financial CUA
Cost Center	Non-Financial CUA

IT IS HEREBY AGREED AS FOLLOWS:

COMMON USE AGREEMENT – AMENDMENT NO. 2

WHEREAS, on October 23, 2012, the San Bernardino County Flood Control District (**DISTRICT**) and City of Ontario (**CITY**) executed a Memorandum of Understanding (**MOU**), Contract No. 12-773 under which the parties agreed to cooperate in the development of a multi-use trail system within portions of **DISTRICT** right-of-way within the **CITY**, and

WHEREAS, the parties stipulated in the **MOU**, that “individual portions of the approved conceptual plan for the trail system shall be accomplished under a separate agreement,” and

WHEREAS, on May 24, 2016, the parties executed Common Use Agreement 16-257 (**CUA**), for a recreational multi-use community trail along segments of the County Line Channel, from Archibald Avenue easterly to the Southern California Edison Easement Area, and Cucamonga Channel, from Chino Avenue to Riverside Drive; and

WHEREAS, Section 13 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 include approximately 0.25 miles along the east side of Cucamonga Channel from Merrill Avenue to 1,300 feet south of Merrill Avenue as a part of the trail and for which **DISTRICT** is currently processing Construction Permit No. P-12019121, and

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

1. This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Agreement (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 Agreement upon request.
2. The **CUA** is hereby amended by adding the following as the Sixth Recital to the **CUA**:

WHEREAS, DISTRICT is currently processing a construction permit, Permit No. P-12019121, to the **CITY** to add an additional segment of the multi-use trail along the east side of Cucamonga Creek, from Merrill Avenue to approximately 1,300 feet south of Merrill Avenue (hereinafter called "**CITY IMPROVEMENTS NO. 4**"), the location of which is shown on attached plans, marked as **AREA OF COMMON USE NO. 4** on the attached map marked as **Exhibit "I"** and;

3. All other terms and conditions of the **CUA** remain the same.

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, Board Chairman

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

By _____
Deputy

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

By _____
(Authorized signature - sign in blue ink)

Name _____
(Print or type name of person signing contract)

Title _____
(Print or Type)

Dated: _____

Address _____

FOR COUNTY USE ONLY

Approved as to Legal Form



Sophie A. Akins, Deputy County Counsel

Date _____

Reviewed for Contract Compliance



Andy Silao, P.E.

Date _____

Reviewed/Approved by District



Brendon Biggs P.E., Interim Chief Flood Control
Engineer

Date _____

EXHIBIT I

Ontario CUA 16-257 Trail Amendment Map (Merrill Ave to .25 Miles southerly)

