



Contract Number

16-257-A.2

SAP Number

## San Bernardino County Flood Control District

Department Contract Representative  
Telephone Number

Melissa Walker P.E.  
(909) 387-7995

Contractor  
Contractor Representative  
Telephone Number  
Contract Term  
Original Contract Amount  
Amendment Amount  
Total Contract Amount  
Cost Center

City of Ontario  
Jamie Richardson  
(909) 395-2615  
No Change to Term  
Non-Financial CUA  
Non-Financial CUA  
Non-Financial CUA  
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: JUL 28 2020  
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



CITY OF ONTARIO

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

By   
(Authorized signature - sign in blue ink)

Name SCOTT OCHOA  
(Print or type name of person signing contract)

Title CITY MANAGER  
(Print or Type)

Dated: 06/10/2020

Address 303 EAST B STREET  
ONTARIO, CA 91764


**FOR COUNTY USE ONLY**

Approved as to Legal Form  
► see attached  
Sophie A. Akins, Deputy County Counsel

Date \_\_\_\_\_

Reviewed for Contract Compliance  
►   
Andy Silao, P.E.

Date 6/29/2020

Reviewed/Approved by District  
►   
Brendon Biggs P.E., Interim Chief Flood Control Engineer

Date 7-1-2020

**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

CITY OF ONTARIO

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

By

(Authorized signature - sign in blue ink)

Name

SCOTT OCHOA

(Print or type name of person signing contract)

Title

CITY MANAGER

(Print or Type)

Dated:

06/10/2020

Address

303 E. B. STREET

ONTARIO, CA 91764

**FOR COUNTY USE ONLY**

Approved as to Legal Form



Sophie A. Akins, Deputy County Counsel

Date

6-30-20

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)

