



**Contract Number**

17-103 A-2

**SAP Number**

## San Bernardino County Flood Control District

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

**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, 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 \_\_\_\_\_

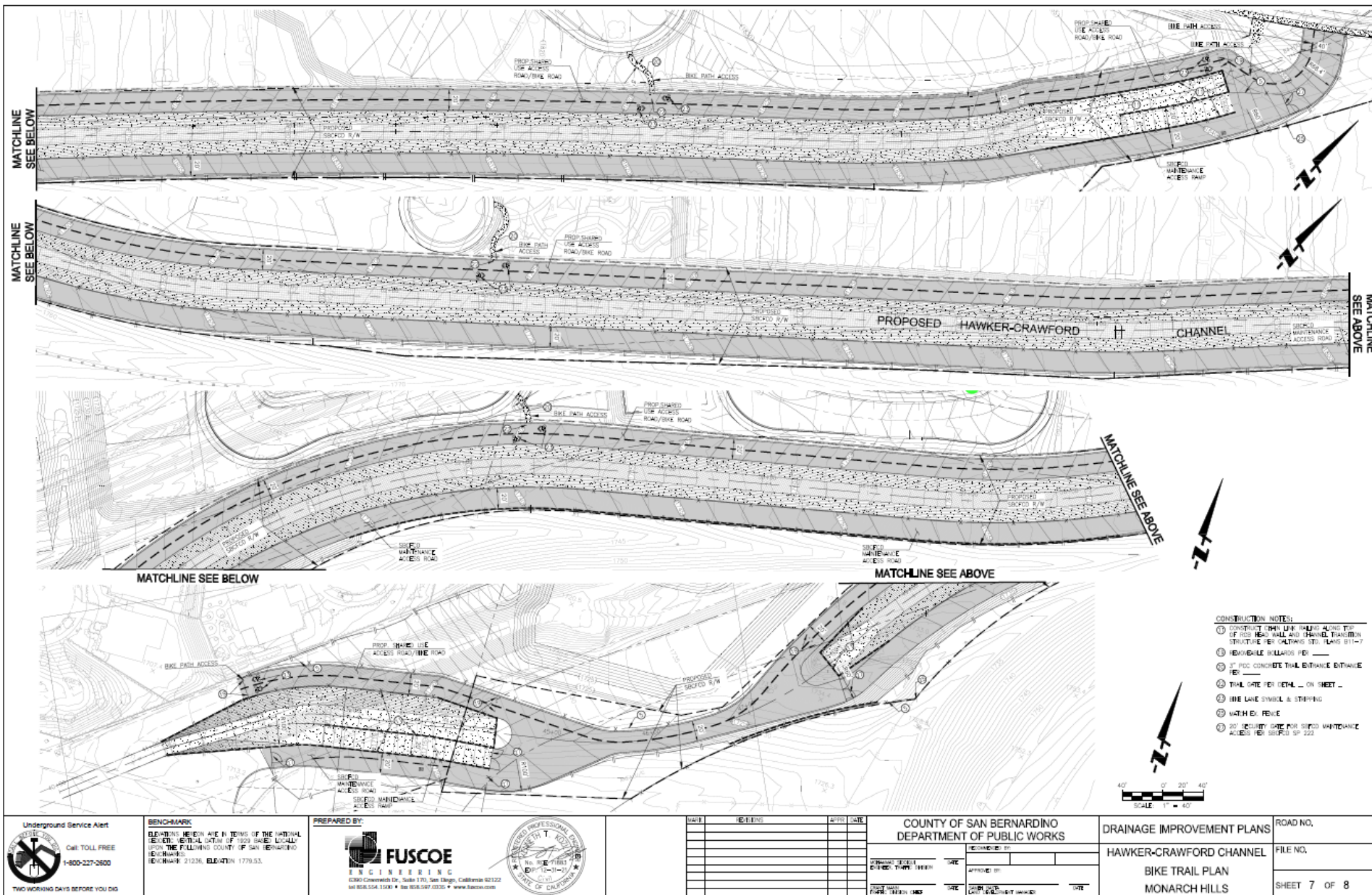
Reviewed for Contract Compliance  
►  
\_\_\_\_\_  
Andy Silao, P.E.  
Date \_\_\_\_\_

Reviewed/Approved by District  
►  
\_\_\_\_\_  
Brendon Biggs, Chief Flood Control Engineer  
Date \_\_\_\_\_

# EXHIBIT A-1



# AREA OF COMMON USE NO. 3



**Underground Service Alert**  
  
 CALL TOLL FREE  
 1-800-227-2600  
 TWO WORKING DAYS BEFORE YOU DIG

**BENCHMARK**  
 ELEVATIONS HEREON ARE IN TERMS OF THE NATIONAL  
 GEODETIC DATUM OF 1929 SAID TO LOCALLY  
 BE THE FOLLOWING COUNTY OF SAN BERNARDINO  
 BENCHMARK: 21236, ELEVATION 1779.03.

**PREPARED BY:**  
  
**FUSCO**  
 ENGINEERING  
 6280 Cornerwood Dr., Suite 170, San Diego, California 92122  
 Tel: 619.554.1500 • Fax: 619.597.0335 • www.fusco.com



DATE	REVISIONS	APPROV	DATE

**COUNTY OF SAN BERNARDINO**  
**DEPARTMENT OF PUBLIC WORKS**

RECORDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 FILE NO.: \_\_\_\_\_

**DRAINAGE IMPROVEMENT PLANS**  
**HAWKER-CRAWFORD CHANNEL**  
**BIKE TRAIL PLAN**  
**MONARCH HILLS**

ROAD NO. \_\_\_\_\_  
 FILE NO. \_\_\_\_\_  
 SHEET 7 OF 8