

AMENDMENT NO. 1
TO DEVELOPMENT MITIGATION COOPERATIVE AGREEMENT
BETWEEN
CITY OF REDLANDS
AND
COUNTY OF SAN BERNARDINO
FOR
INTERSTATE 10 AT ALABAMA STREET INTERCHANGE PROJECT

THIS AMENDMENT No. 1 (AMENDMENT) to the Development Mitigation Cooperative Agreement (AGREEMENT) is made and entered into by and between the City of Redlands (hereinafter referred to as SPONSORING AGENCY) and the County of San Bernardino (hereinafter referred to as SUPPORTING AGENCY). SPONSORING AGENCY and SUPPORTING AGENCY may be referred to herein as a “PARTY” and collectively “PARTIES”.

RECITALS

- A. SPONSORING AGENCY and SUPPORTING AGENCY entered into the AGREEMENT on December 6, 2016 to delineate their respective roles, responsibilities, and funding commitments relative to the Project Management, Planning, Environmental, PS&E, ROW and Construction activities, and Extended Landscape Maintenance of the Interstate 10 at Alabama Street Interchange Project in the City of Redlands (PROJECT); and
- B. The AGREEMENT presently provides that the cost of the PROJECT is estimated at \$10,968,000 which includes \$330,000 for San Bernardino County Transportation Authority (SBCTA) to provide project management services for the Planning, Environmental, PS&E, ROW and Construction phases of the PROJECT; and
- C. The PROJECT design is at 65 percent completion with a more refined PROJECT scope from the inception of the PROJECT, which results in a projected PROJECT cost increase of \$4,182,600; and
- D. The PROJECT is now estimated to cost a total of \$15,150,600 which includes the \$330,000 for SBCTA to provide project management services; and

- E. The California Department of Transportation (Caltrans) committed to make a financial contribution (FCO) in the amount of \$1,250,000 towards the construction of the PROJECT; and
- F. The remaining PROJECT cost, aside from SBCTA project management costs and the abovementioned Caltrans FCO, now is estimated at \$13,570,600, which shall be funded with 50.5% Development Shares funds and 49.5% Public Share funds, as defined by SBCTA's Nexus Study and the Measure I 2010-2040 Strategic Plan; and
- G. The PARTIES desire to amend the AGREEMENT, and its Exhibit A, to redefine their respective funding responsibilities based on the revised PROJECT costs and to provide a new, updated, estimated schedule for completion of the PROJECT.

IT IS THEREFORE MUTUALLY AGREED TO AMEND THE AGREEMENT AS FOLLOWS:

1. Section I.1 of the AGREEMENT is amended in its entirety to read as follows:

Provide 34.9% (currently estimated at \$2,506,921) of the 50.5% development mitigation fair share funding for the PROJECT, which will come from development impact fees or other source of development contribution as required by the Development Mitigation Nexus Study (Appendix G of the SBCTA Congestion Management Program – CMP) and Appendix J of the CMP or from a loan of funds to the City's development impact fee. SPONSORING AGENCY'S share shall not exceed the current estimate of \$2,506,921, absent an amendment to this Agreement pursuant to Section III., paragraph 8, below.

2. Section II. 1 of the AGREEMENT, is amended in its entirety to read as follows:

Provide 65.1% (currently estimated at \$4,676,232) of the 50.5% of development mitigation fair share funding for the PROJECT, which will come from development impact fees collected in the County of San Bernardino Redlands Donut Hole Interchange account, as required by the Development Mitigation Nexus Study, Appendix G and Appendix J of the CMP, or from a loan of funds to the SUPPORTING AGENCY'S development impact fee. Eligible PROJECT costs shall be contained in the Nexus Study and will be updated by SPONSORING AGENCY per Section I of this Agreement. SUPPORTING AGENCY'S share shall not exceed the current estimate of \$4,676,232 absent an amendment to this Agreement pursuant to Section III, paragraph 8 below.

3. Attachment A to the AGREEMENT is amended and replaced in its entirety with Attachment A-1 to this AMENDMENT, which is attached to and made a part of this AMENDMENT.
4. PARTIES understand that the PROJECT cost provided in this AMENDMENT is an estimate and there is a potential for cost increases or decreases. If a cost increase becomes apparent, PARTIES agree to work in good faith to amend the AGREEMENT.
5. All other terms and conditions of the AGREEMENT shall remain in full force and effect.
6. This AMENDMENT is deemed to be included and made part of the AGREEMENT.
7. This Amendment No. 1 will be effective on the date signed by both parties and shall conclude upon satisfaction of the terms identified in Section III, Paragraph 9, or on December 31, 2027.

-----SIGNATURES ON FOLLOWING PAGE-----

**SIGNATURE PAGE TO
AMENDMENT NO. 1 TO DEVELOPMENT MITIGATION COOPERATIVE
AGREEMENT BETWEEN
CITY OF REDLANDS
and COUNTY OF SAN BERNARDINO**

**CITY OF REDLANDS
TRANSPORTATION AUTHORITY**

COUNTY OF SAN BERNARDINO

By: _____
Paul W. Foster
Mayor, City of Redlands

By: _____
Curt Hagman, Chairman
Board of Supervisors

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Daniel J. McHugh
City Attorney

By: _____
Suzanne Bryant
Deputy County Counsel

ATTEST:

By: _____
Jeanne Donaldson
City Clerk

Attachment A-1

PROJECT SCOPE

The City of Redlands (SPONSORING AGENCY) proposes to improve the Interstate 10 at Alabama Street interchange located in the incorporated area of Redlands. The PROJECT will reconfigure the ramps at Alabama Street, which includes street improvements, intersection and turning lanes work and striping.

PROJECT COST ESTIMATE AND FUNDING TABLES

Public Share: 49.5%

Nexus Development Impact Fee Share (DIF or “Local Share”): 50.5%

Local Jurisdictional Split of the DIF Share: Redlands 34.9%, County 65.1%

Caltrans Financial Contribution (FCO): Lump Sum \$1,250,000 – Reduces the Public Share and Local shares of construction capital costs.

OVERALL PROJECT FUNDING TABLE

	Project Cost*	SBCTA Public Share 49.5%	LOCAL Share 50.5%	Caltrans FCO*
Planning, Environmental, Design, and Right-of-way	\$1,920,600	\$950,697	\$969,903	\$0
Construction Management	\$1,500,000	\$742,500	\$757,500	\$0
Construction Capital	\$10,900,000	\$4,776,750	\$4,873,250	\$1,250,000
Landscape Maintenance	\$500,000	\$247,500	\$252,500	\$0
Project Management	\$330,000	\$0	\$330,000	\$0
TOTAL	\$15,150,600	\$6,717,447	\$7,183,153	\$1,250,000

CITY-COUNTY FUNDING TABLE

			LOCAL Share (50.5%)		
PHASE	PROJECT COST	SBCTA Share	County Share	Redlands Share	Caltrans FCO
<i>% Share</i>		49.5%	65.1%	34.9%	
Planning, Environmental, Design & Right-of-Way	\$1,920,600	\$950,697	\$631,407	\$338,496	\$0
Construction Management	\$1,500,000	\$742,500	\$493,132	\$264,368	\$0
Construction Capital	\$10,900,000	\$4,776,750	\$3,172,486	\$1,700,764	\$1,250,000
Landscape Maintenance	\$500,000	\$247,500	\$164,377	\$88,123	\$0
Project Management	\$330,000	\$0	\$214,830	\$115,170	
Total	\$15,150,600	\$6,717,447	\$4,676,232	\$2,506,921	\$1,250,000

PROJECT SCHEDULE

Milestones	Estimated Completion Date (Actual)
Environmental Approval	February 5, 2019
Design Approval	February 2021
Construction Start	June 2021
Complete for Beneficial Use	June 2022