

**AMENDMENT NO. 2
TO
AGREEMENT FOR MAINTENANCE OF STATE HIGHWAYS
IN THE CITY OF SAN LEANDRO**

This Amendment No. 2 to the Agreement for Maintenance of State Highways in the City of San Leandro is made and entered into by and between STATE of California, acting by and through the Department of Transportation, hereinafter referred to as “STATE”, and City of San Leandro, hereinafter referred to as “CITY” and collectively referred to as “PARTIES”.

WITNESSETH:

WHEREAS, an “Agreement for Maintenance of State Highways in the City of San Leandro”, hereinafter referred to as “AGREEMENT”, as provided for in Section 130 of the Streets and Highways Code, was executed by CITY on March 1, 1995, and

WHEREAS, on April 21, 2020, an amendment to said Agreement for Maintenance of State Highways was executed by PARTIES, hereinafter referred as “AMENDMENT 1” and

WHEREAS, AGREEMENT by its terms provides that it may be amended or terminated at any time upon mutual consent of PARTIES; and

WHEREAS, CITY desires to construct by Encroachment Permit No. _____ the maintenance paths and gates off Timothy Drive and off Davis Street (SR112) to access the city’s owned sewer manholes, and

WHEREAS, PARTIES hereto now desire that AGREEMENT be amended.

NOW, THEREFORE, PARTIES agree to amend AGREEMENT as follows:

1. The attached pages dated _____, EXHIBIT A of the AGREEMENT, pages 1, and 2 shall be substituted for like-numbered pages in AGREEMENT, and shall cancel and supersede such like numbered page, becoming a part of AGREEMENT for all purposes.
2. STATE costs and expenses assumed under the terms of this Agreement Amendment, if any, are conditioned upon the passage of the annual State of California Budget by the Legislature, the allocation of funding by the California Transportation Commission as appropriate, and the encumbrance of funding to the District Office of STATE.

TERMINATION - This Agreement Amendment may be terminated by timely mutual written consent by PARTIES, and CITY’s failure to comply with the provisions of this Agreement may be grounds for a Notice of Termination by STATE.

TERM OF AGREEMENT AMENDMENT - This Amendment shall become effective on the date as shown below and shall remain in full force and effect until amended or terminated at any time upon mutual consent of PARTIES or until terminated by STATE for cause.

PARTIES are empowered by Streets and Highways Code section 114 and 130 to enter into this Agreement and have delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.

IN WITNESS WHEREOF, PARTIES hereto have set their hands and seals the day and year first above written.

CITY OF SAN LEANDRO

STATE OF CALIFORNIA DEPARTMENT
OF TRANSPORTATION

By: FRANCES ROBUSTELLI
Interim City Manager

TOKS OMISHAKIN
Director of Transportation

Attest:

By

LETICIA I. MIGUEL
City Clerk

WILL HAUKE Date
Acting Deputy District Director
Maintenance District 4

Approved as to form:

RICHARD PIO RODA
City Attorney