

RESOLUTION NO. JPA 21-2  
APPROVAL OF AMENDMENT NO. 4 TO  
CALTRANS COOPERATIVE AGREEMENT NO. 07-4872  
FOR SEGMENT 1 OF THE SR-47 PROJECT

WHEREAS, in March 2009, the Board authorized ACTA to enter into Agreement No. 07-4872, during March, 2009, covering ACTA's services to be provided during the right-of-way support management of Segment 1 of the SR-47 Project; and

WHEREAS, under Agreement No. 07-4872, ACTA is obligated to provide right-of-way support management of Segment 1 for which the not-to-exceed amount was originally \$1,200,000 for right-of-way support management; and

WHEREAS, in May 2013, ACTA executed Amendment No. 1 to Agreement No. 07-4872, to increase the not-to-exceed amount to \$1,700,000 for right-of-way support management; and

WHEREAS, in March 2014, ACTA executed Amendment No. 2 to Agreement No. 07-4872, to increase the not-to-exceed amount to \$2,900,000 for right-of-way support management; and

WHEREAS, in February 2020, ACTA executed Amendment No. 3 to Agreement No. 07-4872 to increase the not-to-exceed amount to \$3,200,000 for right-of-way support management; and

WHEREAS, Amendment No. 4 is necessary at this time to increase the not-to-exceed amount for ACTA right-of-way support management from \$3,200,000 to \$3,500,000 to further advance right-of-way support management of Segment 1.

NOW THEREFORE BE IT RESOLVED that the Governing Board of the Alameda Corridor Transportation Authority approves Amendment No. 4 to Caltrans Cooperative Agreement No. 07-4872 for Segment 1 of the SR-47 Project; and authorizes the Interim Chief Executive Officer of the Alameda Corridor Transportation Authority to execute said amendment.

I HEREBY CERTIFY THAT the foregoing resolution was adopted by the ACTA Governing Board at its meeting held on 11<sup>th</sup> day of March 2021 by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Maria Melendres, Board Secretary

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_, 2021

MICHAEL N. FEUER, City Attorney

By \_\_\_\_\_  
Heather McCloskey, Deputy City Counsel

**AMENDMENT No. 4 TO AGREEMENT 07-4872 COVER SHEET**

**Contact Information**

*CALTRANS*

Darek Chmielewski  
100 South Main Street MS 12  
Los Angeles, CA 90012  
Office Phone (213) 897-8485

*ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY*

Jorge Pantoja  
Alameda Corridor Engineering Team  
3760 Kilroy Airport Way, Suite 200  
Long Beach, CA 90806  
Office Phone (562) 247-7074

**DRAFT AMENDMENT No. 4 TO AGREEMENT**

This AMENDMENT No. 4 TO AGREEMENT, entered into effective on \_\_\_\_\_, 2021, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE", and the ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY, a joint powers agency, referred to herein as "ACTA"

**RECITALS**

1. STATE and ACTA hereto entered into Agreement No. 07-4872 on July 16, 2009, referred to herein as "AGREEMENT". AGREEMENT defined the terms and conditions of the construction of an expressway on State Route 47 from Ocean Boulevard to State Route 1 in the Cities of Los Angeles and Long Beach, referred to herein as "PROJECT".
2. The parties hereto also entered into an Amendment No. 1 to AGREEMENT on May 22, 2013 to increase STATE's obligation for the cost of right of way support from \$1.2 million to 1.7 million to reimburse ACTA for expenditures incurred commencing July 16, 2009.
3. The parties hereto also entered into an Amendment No. 2 to AGREEMENT on April 30, 2014 to increase STATE's obligation for the cost of right of way support from \$1.7 million to 2.9 million to reimburse ACTA for expenditures incurred commencing July 16, 2009.
4. The parties hereto also entered into an Amendment No. 3 to AGREEMENT on May 07, 2020 to increase STATE's obligation for the cost of right of way support from \$2.9 million to \$3.2 million to reimburse ACTA for expenditures incurred commencing July 16, 2009.
5. It has been determined that PROJECT needs additional funding to complete. The purpose of this AMENDMENT No. 4 is to increase the STATE's obligation for the right of way support cost from \$3.2 million to \$3.5 million to reimburse ACTA.

**IT IS MUTUALLY AGREED:**

1. Article 2 of Section II of the AGREEMENT is replaced in its entirety to read as follows:
  2. To reimburse ACTA for actual expenditures for right of way capital and support costs for the segment of PROJECT between Ocean Boulevard and the northern limit of the City of Long Beach. STATE's total obligation for reimbursement shall not exceed the amount of \$37 million for right of way capital costs and \$3.5 million for right of way support costs.
2. All other terms and conditions of AGREEMENT shall remain in full force and effect.
3. This AMENDMENT No. 4 is hereby deemed a part of AGREEMENT.

The PARTIES are empowered by California Streets and Highways Code sections 114 and 130 to enter into this AMENDMENT and have delegated to the undersigned the authority to execute this AMENDMENT on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this AMENDMENT. All terms and conditions cited in this AMENDMENT are binding on the PARTIES.

This AMENDMENT may be executed and delivered in counterparts, and by each PARTY in a separate counterpart, each of which when so executed and delivered shall constitute an original and all of which taken together shall constitute one and the same instrument.

The PARTIES acknowledge that executed copies of this AMENDMENT may be exchanged by facsimile or electronic mail (E-Mail), and that such copies shall be deemed to be effective as originals.

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

ALAMEDA CORRIDOR  
TRANSPORTATION AUTHORITY

By: \_\_\_\_\_  
Tony Tavares  
District 07 Director

By: \_\_\_\_\_  
Michael C. Leue, P.E.  
Chief Executive Officer

Certified as to Funds:

Approved as to Form:

Michael Feuer  
Los Angeles City  
Attorney

By: \_\_\_\_\_  
Vickie Murphy  
District Budget Manager

By: \_\_\_\_\_  
ACTA Co-General Counsel  
Deputy City Attorney

Certified as to Financial Terms and  
Conditions:

By: *\*See Attachment for Approval*  
\_\_\_\_\_  
Accounting Administrator

## Wells, Jacqueline@DOT

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**From:** Salmos, Darwin S@DOT  
**Sent:** Wednesday, January 13, 2021 2:09 PM  
**To:** Wells, Jacqueline@DOT  
**Cc:** Renganathan, Tharshiga@DOT; Fekadu, Woinshet@DOT  
**Subject:** 07-4872 A4 [ACCT SIGN] 011321  
**Attachments:** 07-4872 A4 [HQ APPR SIGN] 011321HQ.docx; 07-4872 A4 [ACCT APPR] 120720; 07-4872A-4 Final.doc

Hi Jacqueline,

07-4872 A4 is approved *for execution*. Please accept this email as my signature during the interim process.

Thanks,  
Darwin Salmos  
Section Chief  
Accounts Receivable -B

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**From:** Renganathan, Tharshiga@DOT <Tharshiga.Renganathan@dot.ca.gov>  
**Sent:** Wednesday, January 13, 2021 1:54 PM  
**To:** Salmos, Darwin S@DOT <darwin.salmos@dot.ca.gov>  
**Subject:** FW: 07-4872 A4 NEW "SIGNATURE" PROCESS request

Hi Darwin,

I reviewed this payout coop 07-4872A-4 and it agrees with last draft review.

Thank you,

Tharshiga Renganathan  
Accounts Receivables-Section B



](916) 227-9051

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**From:** Wells, Jacqueline@DOT <[Jacqueline.Wells@dot.ca.gov](mailto:Jacqueline.Wells@dot.ca.gov)>  
**Sent:** Wednesday, January 13, 2021 12:48 PM  
**To:** Salmos, Darwin S@DOT <[darwin.salmos@dot.ca.gov](mailto:darwin.salmos@dot.ca.gov)>; Renganathan, Tharshiga@DOT <[Tharshiga.Renganathan@dot.ca.gov](mailto:Tharshiga.Renganathan@dot.ca.gov)>  
**Cc:** Werrede, Mehret B@DOT <[mehret.werrede@dot.ca.gov](mailto:mehret.werrede@dot.ca.gov)>  
**Subject:** 07-4872 A4 NEW "SIGNATURE" PROCESS request

Hello,