

<u>District</u> 06	<u>County</u> FRE	<u>Route</u> 99	<u>Post Mile</u> 23.5/26.7	<u>Project ID No.</u> 0612000287	<u>EA</u> 2HT101
<p>Federal Aid No.: N/A</p> <p>Owner's File: STATE'S UTILITY PLANS – WATER/SEWER</p> <p>FEDERAL PARTICIPATION: On the Project <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p> On the <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p> Utilities</p>					

SECOND AMENDMENT TO UTILITY AGREEMENT NO. 06-1398.15

WHEREAS, the State of California, acting by and through its Department of Transportation, hereinafter called STATE and City of Fresno, hereinafter called OWNER, have entered into that certain Utility Agreement No. 06-1398.15, dated December 17, 2015, which Agreement sets forth the terms and conditions pursuant to which OWNER maintains and owns sewer and water facilities that cross Highway 99 within the limits of STATE's project for the California High Speed Rail (CHSR) project and which requires relocation and/or modification to accommodate STATE's project.

WHEREAS, in the performance of said work, increased costs over and above those estimated at the time of the execution of said Agreement were incurred due to the fact that the original estimate underestimated for the wet ties work on the water facilities.

WHEREAS, it has been determined that, since final costs have overrun the amount shown in said Agreement by 58.03%, and when the increased cost exceeds by 25% the estimated amount set forth in said Agreement, said Agreement shall be amended to show the increased cost of the work to the STATE; and,

WHEREAS, the estimated cost to the STATE of the work to be performed under said Agreement was \$285,990.81, and by reason of the increased costs referred to above, the amended estimated cost to the STATE is \$451,963.22.

NOW, THEREFORE, it is agreed between the parties as follows:

1. The estimated cost to the STATE of \$285,990.81 as set forth in said Agreement is hereby amended to read \$451,963.22.
2. All other terms and conditions of said Agreement remain unchanged.

AMENDMENT TO UTILITY AGREEMENT (Cont.)

EXHIBIT
13-EX-24 (REV 1/2014)
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UTILITY AGREEMENT NO.
06-1398.15

CERTIFICATION OF FUNDS				
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure shown here.				
HQ Accounting Officer		Date		
ITEM	CHAP	STAT	FY	AMOUNT

FUND TYPE	EA	AMOUNT
Design Funds	\$	\$
Construction Funds	\$	\$
RW Funds	0612000287	\$165,972.41

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to Utility Agreement No. 06-1398.15 this ____ day of August, 2019.

STATE: DEPARTMENT OF TRANSPORTATION

By _____
ROSA RUBALCABA Date
Office Chief, Right of Way

APPROVAL RECOMMENDED:

By _____
TERESA CERDA Date
Utility Coordinator, Right of Way

OWNER: CITY OF FRESNO

By *Andrew Benelli* 9/3/2019
ANDREW J. BENELLI, PE Date
Assistant Public Works Director

By *Randall Morrison, PE* 9/3/19
RANDALL MORRISON, PE Date
Deputy City Engineer
Jesus Avitia

DO NOT WRITE BELOW - FOR ACCOUNTNG PURPOSES ONLY

PLANNING AND MANAGEMENT TO COMPLETE UNSHADED FIELDS:

T CODE	DOCUMENT NUMBER	SUF FIX	DIST	UNIT	CHG DIST	EA	SUB JOB	SPECIAL DESIGNATION	FFY	UTILITY COMPLETES:		
										FA	OBJ CODE	DOLLAR AMOUNT
UA											054	
UA											054	

EA FUNDING VERIFIED:				REVIEW/REQUEST FUNDING:			
Sign:>				Sign>			
Print> R/W Planning and Management				Print> Utility Coordinator			
Date				Date			

Distribution: 2 originals to R/W Accounting
1 original to Utility Owner
1 original to File