

**AMENDMENT NUMBER 1 TO
CITY OF SAN DIEGO
USE AND OCCUPANCY PERMIT (Q0204)**
Access to First Aqueduct Easement – Lake Hodges

THIS AMENDMENT NUMBER 1 ("Amendment") to CITY OF SAN DIEGO USE AND OCCUPANCY PERMIT is entered into by and between **THE CITY OF SAN DIEGO**, a California municipal corporation ("CITY"), and **SAN DIEGO COUNTY WATER AUTHORITY**, a public agency ("PERMITTEE"), to be effective when signed by the parties and approved by the San Diego City Attorney (the "Effective Date").

RECITALS

- A. The CITY and PERMITTEE entered into that certain Use and Occupancy Permit for SDCWA CIP Q0204 – First Aqueduct Structures and Lining Rehabilitation ("Permit") with an effective date of October 1, 2018 for the use of the "Access Roads to PERMITTEE's First Aqueduct Easement".
- B. The Term of the Permit is set to expire on April 30, 2020.
- C. PERMITTEE desires to extend the Term of the Permit for one (1) additional year (12 months), in accordance with Section 6 of the Permit, to accommodate a change in PERMITTEE's construction schedule.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is acknowledged, and subject to the terms and conditions herein, the parties agree to amend the Permit as follows:

AGREEMENT

- 1. Term. Permit section 1.4 is hereby deleted and replaced in its entirety with the following:
 - 1.4 **"Term"** shall mean a period of thirty (30) months, commencing on October 1, 2018.
- 2. No Other Changes. All other terms and conditions of the Permit shall remain in full force and any conflict between this Amendment and the Permit shall be resolved in favor of the terms and conditions of this Amendment.
- 3. Authority. Each individual executing this Amendment on behalf of another person or legal entity represents and warrants that they are authorized to execute and deliver this Amendment on behalf of such person or entity in accordance with duly adopted resolutions or other authorizing actions which are necessary and proper and under such legal entity's articles, charter, bylaws, or other written rules of conduct or governing agreement, and that this Amendment is binding upon such person or entity in accordance with its terms.

4. Recitals. The Recitals are incorporated into this Amendment and made a part hereof.

IN WITNESS WHEREOF, this Amendment is effective as of the Effective Date.

THE CITY OF SAN DIEGO:

By: [Signature]
Name: Cybele L. Thompson
Title: Director Real Estate Assets Dept.
Date: 5/13/20

Approved as to form this 21st
day of May, 2020.

MARA W. ELLIOTT, City Attorney
By: [Signature]
Name: Marco A. Verdugo
Title: Deputy City Attorney

**SAN DIEGO COUNTY
WATER AUTHORITY:**

By: [Signature]
Name: Gerard E. Reed, III
Title: Director of Engineering
Date: 4/13/20

PUBLIC UTILITIES DEPARTMENT ENVIRONMENTAL CLEARANCE:

This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines, Section 15301 (Existing Facilities) and Section 15302 (Replacement and/or Reconstruction).

By: [Signature]
Name: Nicole A. McGinnis
Title: ~~Senior Planner~~ PO II
Date: 05/05/2020