

**FIRST AMENDMENT TO CITY OF SAN DIEGO
USE AND OCCUPANCY PERMIT – ONE**

THIS FIRST AMENDMENT TO CITY OF SAN DIEGO USE AND OCCUPANCY PERMIT – One ("Amendment") is entered into by and between THE CITY OF SAN DIEGO, a California municipal corporation ("CITY"), and The San Diego Association of Governments ("SANDAG"), a California public agency ("PERMITTEE"), to be effective as of July 5, 2017 (the "Effective Date"), and when signed by the parties and approved by the San Diego City Attorney.

- A. WHEREAS, the Parties entered into the City of San Diego Use and Occupancy Permit – One effective as of August 1, 2015 (the "Permit"); and
- B. WHEREAS, SANDAG requires a larger area on one of the properties in the Permit Area due to construction modifications; and
- C. WHEREAS, all capitalized terms not otherwise defined in this Amendment shall have the same meaning as in the Permit.

NOW THEREFORE, the Parties agree to amend the Permit as follows:

- 1. The introductory paragraph of Section 21. Insurance, is hereby deleted in its entirety and replaced with the following:

"21. Insurance. PERMITTEE represents and warrants to CITY that its Permit Use and Occupancy governed under this Permit are in furtherance of the Mid-Coast Corridor Transit Project. SANDAG's contractor, MCTC, is utilizing a Contractor Controlled Insurance Program ("CCIP"). This CCIP shall be in accordance with applicable law, and shall pay all claims related to this Permit or the PERMITTEE's use of the Permit Area as shown in Exhibit A. PERMITTEE shall deliver to CITY, prior to the Effective Date and shall maintain the same throughout the Term, a current certificate of insurance and all relevant endorsements for each of the following:"

- 2. Page 1 of 2 and Page 2 of 2 entitled "Parcel Exhibit PN 9-1 & 9-4T A" of Exhibit A: Permit Area to the Permit shall be deleted in their entirety and replaced with the "Exhibit A: Parcel Area, Parcel Exhibit PN 9-1 & 9-4T A" attached hereto.
- 3. All other terms and conditions of the Permit remain unchanged and shall remain in full force and effect.

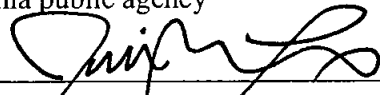
[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, this FIRST AMENDMENT TO USE AND OCCUPANCY PERMIT
– ONE is executed to be effective as of the Effective Date.

Approved as to form:

BY: 
RYAN P. KOHUT,
SANDAG Senior Legal Counsel

The San Diego Association of Governments ("SANDAG")
a California public agency

BY: 
Name: John Lintz

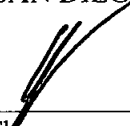
Approved as to form:

MARA W. ELLIOTT, CITY ATTORNEY

By: 
Name: Mara W. Elliott
Title: Deputy City Attorney
Date: 7-5-17

Title: Director

THE CITY OF SAN DIEGO, a California municipal
corporation

BY: 
Cybele Thompson
Director, Real Estate Assets

Environmental Analysis Section Environmental Clearance:

This Use & Occupancy Permit with SANDAG to allow use of City-owned property for the sole exclusive use of the Permit Area for construction (e.g. for transit power substations, parking, access roads, retaining walls) and other improvements associated with the Project is covered by the following certified environmental documents:

LOSSAN Final PEIR/EIS. Federal Railroad Administration (FRA) and State of California, Department of Transportation. SCH# 2002031067. FR# 02-6644 Vol.67 #54. September 2007; EIR/EIS FRA Record of Decision, March 2009;

LOSSAN Elvira to Morena Double Track Project Environmental Document, FRA NEPA CE 03/06/15 approved by the SANDAG Board on 06/26/15;

LOSSAN San Diego River Bridge Double Track Project included in the LOSSAN PEIR/EIS; and

Mid-Coast Corridor Transit Project Final Supplemental Environmental Impact Statement and Subsequent Environmental Impact Report Volume 1. U.S. Department of Transportation Federal Transit Administration and San Diego Association of Governments (SANDAG), SCH# 2010051001, September 2014; certified by SANDAG Board Resolution No. RTC-2015-03, 11/21/14;

Elvira to Morena Double Tracking Utilities Relocation Addendum No. 401591, dated 4/09/15 to MND No. 255100 (Citywide Pipeline Projects-2011/SCH No. 2011091045) certified by the City of San Diego's Interim Planning Director acting as the Mayor-Appointed Designee on 07/14/15.

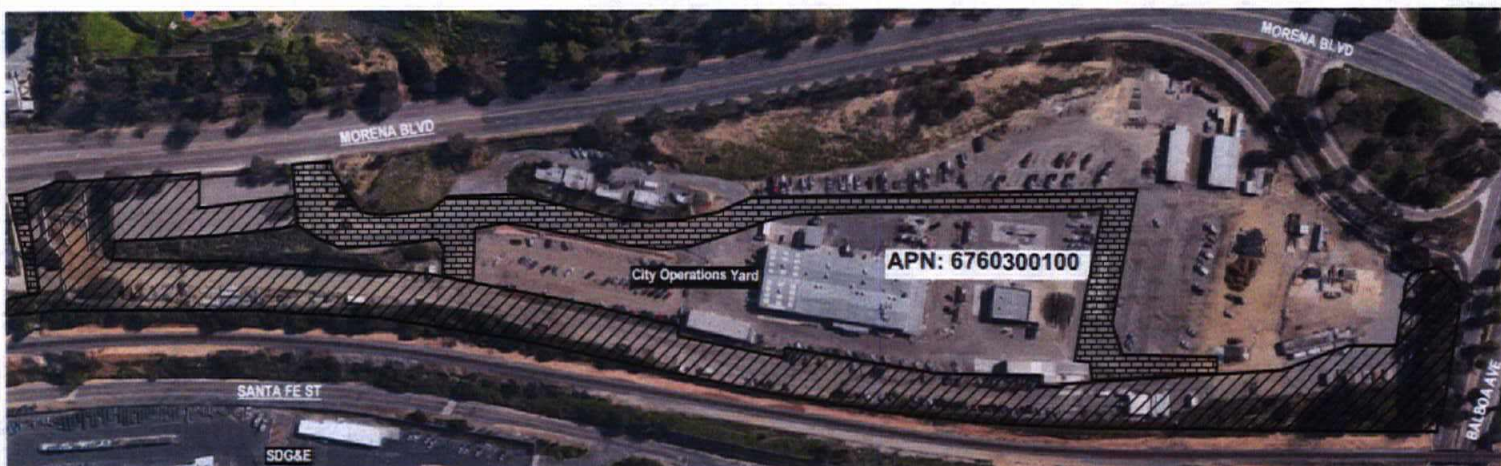
Date: 6/30/17

BY: 
Alyssa Muto
Deputy Director, Environmental & Policy Analysis
Planning Department

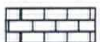
Exhibit A: Parcel Area

Parcel Exhibit PN 9-1 & 9-4T A

City Operations Yard - Use and Occupancy Permit Exhibit



Hatched areas represent exclusive permit area.



Brick hatched areas represent access only. No parking or staging will be allowed.
To be coordinated with yard supervisor

NOTE: * Revised original exhibit pages 1 and 2 of Parcel Exhibit PN 9-1 & 9-4T A



APN: 6760300100
City Operations Yard

★	6/21/17	PN 9-1, 9-4T	REV 1	DRAWN BY - Zebadiah Hutchison
				CHECKED BY -
				MID COAST TRANSIT CONSTRUCTORS
				401 B STREET, SUITE 920
				SAN DIEGO, CA 92101
NO.	DATE	REVISIONS	APPROV	

MCTC
Mid-Coast Transit Constructors
Stacy Wilbeck · Herzog · Skanska

Use and Occupancy Permit 1
5.24 Acres

SHEET
1 OF 1

Construction of RW488/RW500 & MidCoast construction and staging

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Approved as to form:

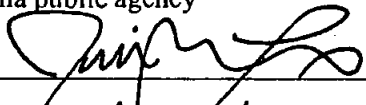
BY:


RYAN P. KOHUT,
SANDAG Senior Legal Counsel

The San Diego Association of Governments ("SANDAG")
a California public agency

BY:

Name:


John Lintz, esq.

Approved as to form:

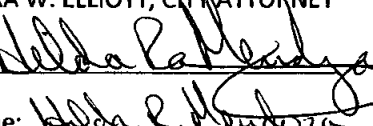
MARA W. ELLIOTT, CITY ATTORNEY

By:

Name:

Title:

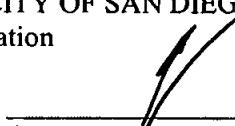
Date:


Hilda R. Mendoza
Deputy City Attorney
7-5-17

Title:

THE CITY OF SAN DIEGO, a California municipal
corporation

BY:


Cybele Thompson
Director, Real Estate Assets

Environmental Analysis Section Environmental Clearance:

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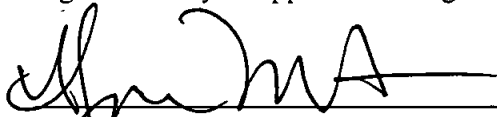
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Date: 6/30/17

BY:

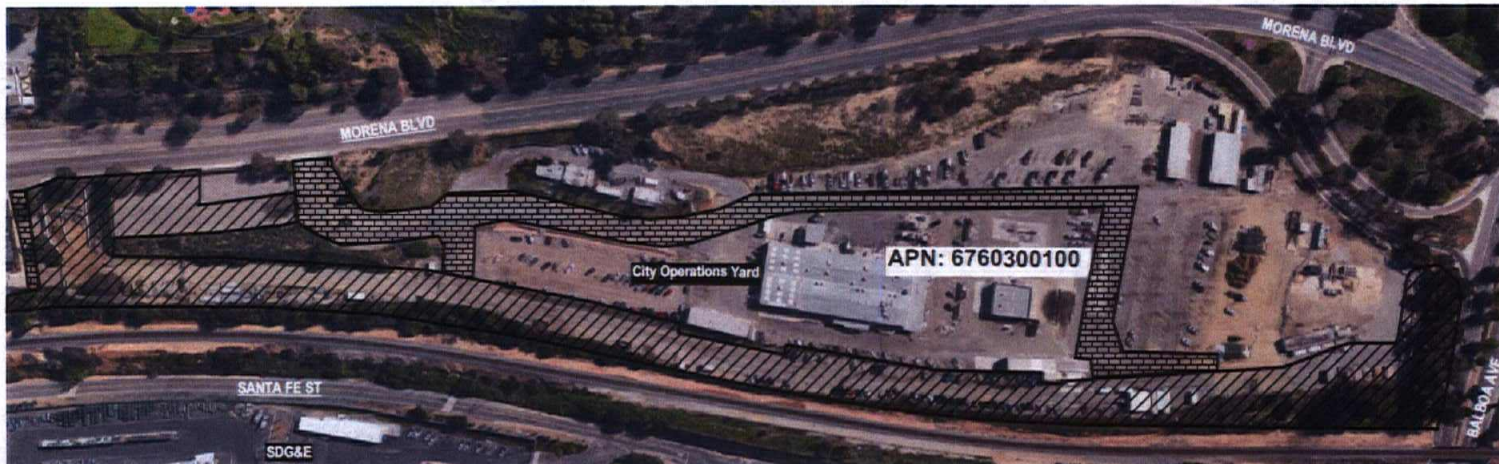


Alyssa Muto
Deputy Director, Environmental & Policy Analysis
Planning Department

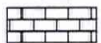
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Parcel Exhibit PN 9-1 & 9-4T A

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NOTE: *Revised original exhibit pages 1 and 2 of Parcel Exhibit PN 9-1 & 9-4T A



APN: 6760300100
City Operations Yard

★	6/21/17	PN 9-1, 9-4T	REV 1	OWNER BY - Zebadiah Hutchinson
				CHECKED BY -
				MID COAST TRANSIT CONSTRUCTORS
				401 B STREET, SUITE 500
				SAN DIEGO, CA 92101
NO.	DATE	REVISIONS	APPROVED	

MCTC
Mid-Coast Transit Constructors
Stacy Witbeck · Herzog · Skanska

Use and Occupancy Permit 1
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