

**AMENDMENT NO. 1 TO TRANSPORTATION UNIFORM MITIGATION FEE  
PROGRAM AGREEMENT TO REIMBURSE TUMF FUNDS**

**Diaz Road Expansion  
(Western Bypass – Rancho California to Cherry)**

This Amendment No. 1 to Transportation Uniform Mitigation Fee Program Agreement (“Amendment No. 1”) is entered into this **13th day of June, 2023**, by and between the WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (“WRCOG”) and CITY OF TEMECULA (“AGENCY”). WRCOG and the AGENCY are sometimes referred to individually as “Party” and collectively as “Parties.”

**RECITALS**

A. WRCOG and AGENCY have entered into an agreement titled “Transportation Uniform Mitigation Fee Program Agreement” that is dated **August 27, 2019** (“Agreement”). The Agreement provides the terms and conditions, scope of work, schedule, and funding amount for the construction of the **Diaz Road Expansion** (hereinafter the “Project”).

B. WRCOG and AGENCY have entered into an amendment to the Agreement titled “Amendment No. 1 to Transportation Uniform Mitigation Fee Program Agreement” that is dated August 27, 2019 (“Amendment No. 1”).

C. The Parties desire to amend the Agreement by increasing the funding amount pursuant to Sections 6 and 33 of the Agreement.

D. Amendment No. 1 is to increase funding in the amount of **\$4,500,000** for the **CONSTRUCTION PHASE OF WORK** for the Diaz Road Expansion Project.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants and subject to the conditions contained herein, the Parties hereby agree as follows:

1. The Funding Amount contained in Section 2 of the Agreement, as amended by Amendment No. 1, is hereby increased by **FOUR MILLION FIVE HUNDRED DOLLARS AND ZERO CENTS (\$4,500,000.00)** from **ONE MILLION SIXTY-FIVE THOUSAND NINE HUNDRED TWENTY-THREE DOLLARS AND ZERO CENTS (\$1,065,923.00)**, to an amount not to exceed **FIVE MILLION FIVE HUNDRED SIXTY-FIVE THOUSAND NINE HUNDRED TWENTY-THREE DOLLARS AND ZERO CENTS (\$5,565,923.00)**.

2. The foregoing increase in the Funding Amount is within the Maximum TUMF Share.

3. Exhibits "A", "A-1", and "A-2" of the Agreement, as amended by Amendment No. 1 are hereby replaced in their entirety by Exhibits "A", "A-1", and "A-2" of this Amendment No. 1, which are attached hereto and incorporated by reference.

4. The above-stated Recitals are hereby fully incorporated into this Amendment No.

5. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions of the Agreement, as amended, shall remain in full force and effect between the Parties hereto.

IN WITNESS WHEREOF, the Parties have caused this Amendment No. 1 to be executed by their duly authorized representatives to be effective on the day and year first written above.

WESTERN RIVERSIDE COUNCIL  
OF GOVERNMENTS

CITY OF TEMECULA

By: \_\_\_\_\_  
Kurt Wilson, Executive Director

By: \_\_\_\_\_  
Aaron Adams  
City Manager

Approved as to Form:

Attest:

By: \_\_\_\_\_  
Steven C. DeBaun  
General Counsel

By: \_\_\_\_\_  
Randi Johl  
City Clerk

Approved as to Form:

By: \_\_\_\_\_  
Peter M. Thorson  
City Attorney

Exhibit A

SCOPE OF SERVICES

**SCOPE OF WORK:** Project scope of work to include environmental review (PA & ED) and design (PS & E), and to include the CONSTRUCTION Phase of Work for improvements to Diaz Road (Rancho California Road to Cherry Street).

**EXHIBIT "A-1"**

**ESTIMATE OF COST**

<b>Phase</b>	<b>TUMF</b>
<b>PA&amp;ED/PS &amp; E</b>	\$1,065,923
<b>CONSTRUCTION</b>	\$4,500,000
<b>TOTAL</b>	\$5,565,923

**EXHIBIT "A-2"**

**PROJECT SCHEDULE**

**TIMETABLE:**

<b>Phase</b>	<b>Estimated Start Date</b>	<b>Estimated Completion Date</b>
<b>PA&amp;ED/PS &amp; E</b>	August 2019	March 2024
<b>CONSTRUCTION</b>	August 2024	November 2025