

County	Route	P.M.	Project #
Los Angeles	I-110	2.5/3.0	700000494
Fed. Aid. No.: STPL-5006761			
Owner's File: VHB60			
FEDERAL PARTICIPATION: On the Project : Yes On the Utilities: No			

**FIRST AMENDMENT TO UTILITY AGREEMENT
[LOS ANGELES HARBOR DEPARTMENT AGREEMENT 13-3185]**

The UTILITY AGREEMENT (Los Angeles Harbor Department Agreement 13-3185) entered into by and between the City of Los Angeles Harbor Department (“LAHD” referred to as LOCAL AGENCY within the “Agreement”, defined below) acting through its Board of Harbor Commissioners and the City of Los Angeles Department of Water and Power—Water Systems (“LADWP” referred to as “OWNER” within the Agreement), 111 N. Hope Street, Room 1425, Los Angeles, CA 90012 is amended a first time as follows:

WHEREAS, in or about October 2013, the LAHD and LADWP entered into a Utility Agreement (Harbor Department Agreement 13-3185) (“Utility Agreement”) regarding the relocation of LADWP’s potable water facilities in connection with LAHD’s Interstate 110/C Street Interchange Improvements Project, as more fully provided therein.

WHEREAS, the Utility Agreement provides, among other things, that payment under the Utility Agreement will be One Million Five Hundred Eighteen Thousand Three Hundred Eleven Dollars and Seventy Cents (\$1,518,311.70).

WHEREAS, the Utility Agreement further provides, among other things, “[I]f the final bill exceeds 125% of the estimated costs of this Agreement, an amended Agreement shall be executed by the parties to this Agreement prior to the payment of the OWNERS final bill.”

WHEREAS, because of unanticipated increased costs, LAHD and LADWP desire to amend the Utility Agreement to increase the amount of total payment to LADWP to Two Million Five Hundred Seventy Eight Thousand Three Hundred Eleven Dollars and Seventy Cents (\$2,578,311.70) to cover the increased costs.

WHEREFORE, the LAHD and LADWP agree to amend the Utility Agreement a first time, as follows:

1. The Utility Agreement is amended under Section IV, Payment for Work, by changing the amount of One Million Five Hundred Eighteen Thousand Three Hundred Eleven Dollars and Seventy Cents (\$1,518,311.70) to Two Million Five Hundred Seventy Eight Thousand Three Hundred

Eleven Dollars and Seventy Cents (\$2,578,311.70). The amended amount represents the final estimated amount including a contingency which has been provided by LADWP.

- 2. Except as provided herein, all terms and conditions of the Utility Agreement shall remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date next to their signatures.

CITY OF LOS ANGELES,
by its Board of Harbor Commissioners

Dated: _____

By _____
EUGENE D. SEROKA
Executive Director

Attest _____
Board Secretary

CITY OF LOS ANGELES
DEPARTMENT OF WATER AND POWER

Dated: _____

By Joaquín Castro
JOAQUÍN CASTRO DIRECTOR OF WATER DIST.
Print Name and Title

APPROVED AS TO FORM AND LEGALITY

May 13, 2015
MICHAEL N. FEUER, City Attorney
Janna B. Sidley, General Counsel

By: [Signature]
Estelle M. Braaf, Deputy
Harbor Department

Account # 57060 W.O. # 2485200
Ctr/Div # 1172 Job Fac. # 203-2600
Proj/Prog # 000

Budget FY: Amount:

<u>14/15</u>	<u>795,000</u>
<u>15/16</u>	<u>265,000</u>
TOTAL	<u>1,060,000</u>

For Acct/Budget Div. Use Only:

APPROVED AS TO FORM AND LEGALITY

April 29, 2015
MICHAEL N. FEUER, City Attorney

By: [Signature]
Deputy/Assistant
Department of Water and Power

Verified by: [Signature]

Verified Funds Available: [Signature]

Date Approved: 5/14/2015