

**FIRST AMENDMENT TO
OFFSITE ROAD IMPROVEMENT AGREEMENT FOR BASS LAKE NORTH
OFF-SITE BIKE PATH, TM 14-1522 / PD 14-0010
BETWEEN COUNTY AND THE DEVELOPER**

THIS FIRST AMENDMENT, to that certain Road Improvement Agreement (hereinafter referred to as the “Agreement”), made and entered by and between the **COUNTY OF EL DORADO**, a political subdivision of the State of California, (hereinafter referred to as “County”), and **TOLL WEST COAST LLC**, a Delaware limited liability company, duly qualified to conduct business in the State of California, whose principal place of business is 110 Woodmere Road, Suite 120, Folsom, California 95630 (hereinafter referred to as “Developer”); concerning the off-site Class I bike path and related improvements for **Bass Lake North, TM 14 1522 / PD 14-0010** (hereinafter referred to as “Project”); in accordance with the improvement plans entitled **Off-Site Bike Path TM 14-1522 / PD 14-0010 AH 21-0004** and cost estimates prepared by CTA Engineering & Surveying, Thomas Alan Cassera, Registered Civil Engineer, and approved by Adam Bane, P.E., Supervising Civil Engineer, Transportation Planning and Land Development, Department of Transportation (hereinafter referred to as “Transportation”).

RECITALS

WHEREAS, County, and Developer entered into that certain Road Improvement Agreement on September 13, 2022, in connection with the Project, copy of which Agreement is incorporated herein and made by reference a part hereof;

WHEREAS, Section 3, entitled TIME, of the Agreement, requires Developer to complete the offsite improvements thereunder on or before September 13, 2024, and Developer has not completed all of the improvements but has requested an extension of time to complete the improvements subject to the terms and conditions contained herein, to September 13, 2025;

NOW, THEREFORE, the parties hereto, in consideration of the recitals, terms and conditions herein, do hereby agree to amend the terms of the Agreement in this **First Amendment** to read as follows:


I. Section 3 is amended to read as follows:

SECTION 3. TIME

Developer shall cause the commencement of items of work after County approved the Plans for the Project on July 15, 2022, and shall complete the Project no later than three (3) years from the effective date of this Agreement, subject to extensions for delays not within the control of the Developer. Construction activities shall be between 7:00 a.m. and 7:00 p.m. Mondays through Fridays; and 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays. Night work may be allowed within the County Right of Way with prior written approval.

Except as herein amended, all other parts and sections of that certain Agreement dated September 13, 2022, shall remain unchanged and in full force and effect.

Requesting Contract Administrator Concurrence:

By: 
Adam Bane, P.E.
Supervising Civil Engineer
Transportation Planning
and Land Development
Department of Transportation

Dated: 8-1-24

Requesting Department Concurrence:

By: 
Rafael Martinez, Director
Department of Transportation
"County"

Dated: 8/6/24

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to that certain Road Improvement Agreement on the dates indicated below, the latest of which shall be deemed to be the effective date of this Agreement.

-- COUNTY OF EL DORADO --

By: Wendy Thomas Dated: 9/10/24

Board of Supervisors
"County"

Attest:
Kim Dawson
Clerk of the Board of Supervisors

By: Kyle Kypar Dated: 9/10/24
Deputy Clerk

-- TOLL WEST COAST LLC --
-- a Delaware Limited Liability Company --

By: Gregory S. Van Dam Dated: 7/30/24
Gregory S. Van Dam
Vice President
"Developer"

Notary Acknowledgment Attached

DEVELOPER

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sacramento

On 7/30/2024 before me, Caitlin Churchill, Notary Public
(here insert name and title of the officer)

personally appeared
Gregory Van Dam

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



(Seal)