

AMENDMENT NO. 1 TO RIGHT OF ENTRY PERMIT

Agency: Department of Parks and Recreation
Diablo Range District
Project: Marsh Creek State Park
Marsh Creek Road Bridge Replacement

This Amendment No. 1 ("Amendment") to the Right of Entry Permit is made and entered into this _____ day of _____, 2022, between the State of California, acting by and through its Director of the Department of Parks and Recreation, hereinafter called "State," and Contra Costa County, its officers, employees, agents and contractors, hereinafter called "Permittee."

RECITALS

- Whereas, the State owns, operates, and maintains the State Park unit known as Marsh Creek State Park, in the County of Contra Costa; and
- Whereas, Permittee has applied to State for permission to access Marsh Creek State Park for purposes of carrying out the Marsh Creek Road Bridge Replacement Project #28C-0143 & #28C-0145 (the Project); and
- Whereas, the State desires to accommodate Permittee's application for permission to enter Marsh Creek State Park for purposes of the Project, as and to the extent such project is ultimately described, permitted, approved and conditioned by any other regulatory agency having jurisdiction, if applicable; and
- Whereas, the parties entered into that certain Right of Entry Permit dated September 27, 2021, and the parties now desire to amend said term(s) of the Right of Entry Permit to extend the term to accommodate unanticipated delays in the completion of the Project. Now therefore, it is mutually agreed between the parties hereto as follows:

TERMS AND CONDITIONS

1. Paragraph 3 Possession and Term. The first sentence of paragraph 3 (Possession and Term) of the Right of Entry Permit is deleted and replaced with the following sentence: "As to the Temporary Construction Easement area (Parcel 5), this Permit shall only be for a period beginning upon signatures by both parties, and ending on December 14, 2024, or as may be reasonably extended by mutual written agreement of the parties." The remainder of paragraph 3 shall remain unchanged.
2. Paragraph 4, Consideration. The first sentence of paragraph 4 (Consideration) of the Right of Entry Permit is deleted and replaced with the following sentence: "Permittee agrees to pay State the sum of four thousand five hundred ninety-five and No/100 Dollars (\$4,595.00) as consideration for the Temporary Construction Easement rights granted by this Permit."
3. Payment. The State agrees and acknowledges that the County has paid the State \$4,095 for the original term of the Temporary Construction Easement rights granted by the Permit. Upon execution of this Amendment, the County shall pay the State \$500.00 for the extension of the Temporary Construction Easement rights under this Amendment.
4. Non-Discrimination. The following is added as a new term to the Permit: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that is the subject of this contract."
5. Except as expressly amended herein, all of the terms and conditions of the said Right of Entry Permit shall remain unchanged and in full force and effect.

This Amendment No. 1 to the Right of Entry Permit has been executed by the parties on the date written below.

STATE OF CALIFORNIA
Department of Parks and Recreation

By: _____
Name: Eduardo Guaracha
Title: District Superintendent
Diablo Range District

Dated: _____

CONTRA COSTA COUNTY
Public Works Department

APPROVED:

By: _____
Name: Brian M. Balbas
Title: Public Works Director

Date of Approval: _____

RECOMMENDED FOR APPROVAL

By: Mark apHugh
Name: Mark apHugh
Title: Associate Real Property Agent

By: Jessica L. Dillingham
Name: Jessica L. Dillingham
Title: Principal Real Property Agent