

AMENDMENT NO. 4
MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF CARSON
AND

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

This Amendment No. 4 to Memorandum of Understanding (this "Amendment"), is dated as of September 24, 2015, by and between City of Carson ("Grantee"), and the Los Angeles County Metropolitan Transportation Authority ("LACMTA").

RECITALS:

A. Grantee and LACMTA entered into that certain Memorandum of Understanding No. MOU.P00F1103, dated November 13, 2009, which was amended on August 17, 2012; August 26, 2013; and September 12, 2014 (as amended, the "Existing MOU"), which Existing MOU provides for the Wilmington Avenue Interchange Modification at I-405, ("the Project"); and

B. Whereas, LACMTA Board on June 25, 2015, desires to extend the lapsing date of Funds programmed for Fiscal Year (FY) 2010-11 to June 30, 2016; and

C. Grantee and LACMTA desire to amend the Existing MOU as provided herein.

EXHIBIT NO. 6

AGREEMENT:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby agree as follows:

1. Part II, Paragraph 8.1(iv) of the Existing MOU is hereby amended by deleting it in its entirety and replacing it with the following: "Funds programmed for FY 2009-10 are no longer available. Funds programmed for FY 2010-11 and FY 2011-12 are subject to lapse on June 30, 2016. Grantee shall expend these Funds by the lapsing date."

2. Part I, paragraph 11, is hereby added to the Existing MOU as follows:
"11. LACMTA understands Grantee is unable to complete the Project as originally scheduled and needs additional time to complete the Project beyond the current lapse date. LACMTA is willing to allow Grantee one year to demonstrate that it has taken affirmative steps toward completing the Project within a reasonable timeframe. Therefore, Grantee shall complete the following activities ("New Milestone") by the June 30, 2016 lapse date: complete 1) railroad improvements, 2) placement of Southern California Edison underground power lines, 3) removal of wooden power poles, and 4) road widening on eastside and westside of Wilmington Avenue (Stage 3 and 4). If Grantee fails to complete the New Milestone by the applicable lapse date, LACMTA may determine that there is not sufficient progress being made and then LACMTA may determine Grantee is in default hereunder and LACMTA shall have all rights to terminate this Agreement for default as described in Part II, Section 9."

3. Except as expressly amended hereby, the Existing MOU remains in full force and effect as originally executed. All rights and obligations of the parties under the Existing MOU that are not expressly amended by this Amendment shall remain unchanged.

FTIP#: LAF1103

CFP#F1103
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MOU.P00F1103

PPNO: N/A

IN WITNESS WHEREOF, the parties have caused this Amendment No. 4 to be duly executed and delivered as of the above date.

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION AUTHORITY

By: 

for Philip A. Washington
Chief Executive Officer

Date: 02/17/16

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By: 

Deputy

Date: 11/25/15

CITY OF CARSON

By: 

Albert Robles
Mayor

Date: 1-26-16

APPROVED AS TO FORM:

By: 

Sunny K. Soltani
City Attorney

Date: 1-20-16