

SECOND AMENDMENT TO JOINT EXERCISE
OF POWERS AGREEMENT FOR ROUTE
ADOPTION OF THE DELTA EXPRESSWAY

1. Effective Date and Parties: Effective May 28, 1991, the County of Contra Costa, a political subdivision of the State of California organized and existing under the laws of the State of California (herein called the "County"), the City of Brentwood, a municipal corporation duly organized and existing under and by virtue of the laws of the State of California (herein called "Brentwood"), and the City of Antioch, a municipal corporation duly organized and existing under and by virtue of the laws of the State of California (herein called "Antioch"), mutually agree as follows:
2. Purpose: The parties desire to further amend the agreement they entered into effective February 28, 1989, entitled "JOINT EXERCISE OF POWERS AGREEMENT FOR ROUTE ADOPTION OF THE DELTA EXPRESSWAY." The original agreement covers the preparation and certification of an environmental document and the adoption of a precise alignment for the Delta Expressway. The parties mutually wish to expand the original agreement to include additional project development activities related to funding the design, construction and operation of the Delta Expressway and Coordination of the Delta Expressway and Midstate Tollway.
3. Amendments to Original Agreement:
 - A. Revise Section 1.j to read as follows:

"'Project' means the preparation and certification of an environmental document and the adoption by the authority (subject to approval or concurrence by each of the Participants) of a precise alignment for: (1) the State Route 4 Bypass (Delta Expressway) from the State Route 4/160 interchange in Antioch to State Route 4 south of Brentwood; and (2) the connection between the southern portion of the Delta Expressway and the northern end of the Vasco Road relocation project. 'Project' shall also include the other project development activities described in this Agreement."
 - B. Revise the second paragraph of Section 5 to read as follows:

"The Authority is authorized, in its own name, to do all acts necessary for the exercise of said powers for said purposes, including but not limited to any or all of the following: to make and enter into contracts; to employ agents and employees' to meet as necessary and discuss

issues affecting the Project; to serve as a vehicle for the parties to work cohesively together in advocating the Project and developing strategies to move the Project forward; work collectively with other local, state and federal agencies, and with the consortium responsible for construction of the Midstate Tollway; to incur debts, liabilities of obligations; and to sue and be sued in its own name. Subject to the requirements of Section 11, the debts, liabilities and obligations of the Authority shall belong to the Authority, and not to the Participants."

C. Revise Section 6 to read as follows:

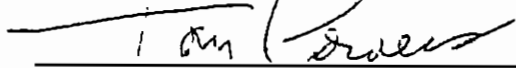
"SECTION 6. SPECIFIC POWERS

The Authority is hereby empowered to:

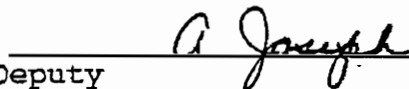
- a. Prepare and develop studies and plans for a precise alignment on the preferred alignment of the Project.
- b. Hold public hearings and provide a public forum for discussion of the environmental document and other issues related to the Project.
- c. Authorize the necessary level of engineering for a precise alignment.
- d. As lead agency, certify an environmental document on the Project.
- e. Adopt a precise alignment for the Delta Expressway subject to approval or concurrence by each of the Participants.
- f. Advocate and represent the interests of the Project.
- g. Acquire and hold right-of-way necessary or convenient for the Project.
- h. Negotiate and enter into agreements for financing the design, construction and operation of the Project, subject to approval or concurrence by each of the Participants.
- i. Provide technical assistance on issues related to the Project.
- j. Act as liaison with agencies responsible for issuing permits or approval for the Project.

4. Effect: Except as modified by this Amendment and previous, all provisions of the original agreement shall remain in full force and effect.


CONTRA COSTA COUNTY
a political subdivision of
the State of California

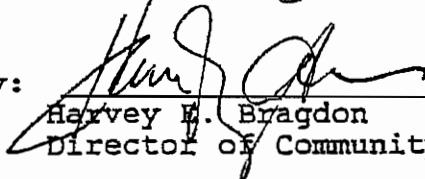
By: 
Tom Powers, Chairman
Board of Supervisors

ATTEST:
Phil Batchelor, Clerk of the Board
of Supervisors and County Administrator

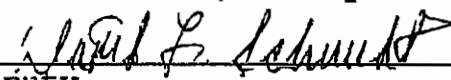
By: 
Deputy

RECOMMENDED FOR APPROVAL:

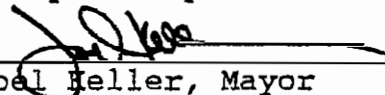
By: 
J. Michael Walford
Public Works Director

By: 
Harvey E. Bragdon
Director of Community Development

FORM APPROVED:
Victor J. Westman, County Counsel

By: 
Deputy

CITY OF ANTIOCH
a municipal corporation

By: 
Joel Keller, Mayor

ATTEST:
By: 
Florence V. Rundall
City Clerk

APPROVED AS TO FORM:

By: William R. Galstan
William R. Galstan
City Attorney

CITY OF BRENTWOOD
a municipal corporation

By: Art Gonzales
Arthur Gonzales, Mayor

ATTEST:
By: Vilma R. Greelman - Streuli
Vilma R. Greelman - Streuli
City Clerk

APPROVED AS TO FORM:

By: Dale C. Adams
Dale C. Adams
City Attorney

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2nd Amendment