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SIXTH AMENDMENT TO JOINT EXERCISE
OF POWERS AGREEMENT FOR CONSTRUCTION
OF THE STATE ROUTE 4 BYPASS

1. Effective Date and Parties: Effective May 20, 1997, 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, originally entitled "JOINT EXERCISE OF POWERS AGREEMENT FOR ROUTE ADOPTION OF THE DELTA EXPRESSWAY." The original agreement has previously been amended as follows: First Amendment dated October 23, 1990; Second Amendment dated May 28, 1991; Third Amendment dated August 25, 1992; Fourth Amendment dated April 30, 1993; and Fifth Amendment dated September 27, 1994. The parties mutually wish to expand the original agreement to include the power of eminent domain, transfer of project right of way from the Participants to the Authority, and the transfer of the State Route 4 Bypass to the State of California.
3. Amendments to the Agreement:
 - A. Revise item g in Section 6 to read as follows:
 - g. Acquire real property, and improvements and right of way by the power of eminent domain or any other lawful means, including dedication to the Participants or Authority, as necessary or convenient for construction of the Project. Whenever any right of way acquired by a Participant is required for construction of the Project, the Authority Board may request the transfer to the Authority of such right of way, which shall be done by the Participant promptly and at no cost to the Authority.
 - B. Revise item m in Section 6 to read as follows:
 - m. To advertise, award contracts and manage the construction of the Project in accordance with plans and specifications approved by the County, Antioch and Brentwood and in general accordance with Caltrans standard plans and specifications.
 - C. Add item p to Section 6 to read as follows:
 - p. Enter into agreements with Caltrans or any other authorized agency of the State of California provide for state route adoption.
4. Effect: Except as modified by this Amendment and previous amendments, 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: Mark DeSaulnier
Mark DeSaulnier, Chairman
Board of Supervisors

ATTEST: May 22, 1997
Phil Batchelor, Clerk of the Board
of Supervisors and County Administrator

By: Shirley Casillas
Deputy

RECOMMENDED FOR APPROVAL:

By: J. Michael Walford
J. Michael Walford
Public Works Director

FORM APPROVED:
Victor J. Westman, County Counsel

By: Victor J. Westman
Deputy

CITY OF ANTIOCH
a municipal corporation

By: Mary Rocha
Mary Rocha, Mayor

ATTEST:

By: Florence V. Rundall
Florence V. Rundall
City Clerk

APPROVED AS TO FORM:

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

C.1

TO: BOARD OF SUPERVISORS

FROM: J. MICHAEL WALFORD, PUBLIC WORKS DIRECTOR

DATE: May 20, 1997

SUBJECT: Sixth Amendment to the Joint Powers Agreement for the State Route 4 Bypass Authority.
Project Number: 4660-6X4409

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

I. Recommended Action:

APPROVE the Sixth Amendment to the Joint Powers Agreement for the State Route Bypass Authority

II. Financial Impact:

None. The Bypass is funded by development fees.

III. Reasons for Recommendations and Background:

The Sixth Amendment clarifies the State Route 4 Bypass Authority's role for the upcoming construction of projects for the Bypass. The agreement now provides that the Bypass Authority can acquire and hold right of way for the Project. This amendment provides for the acquisition through the use of eminent domain. The amendment also clarifies the obligation of the participants relative to right of way previously acquired for the project.

The amendment also clarifies powers related to the advertising and award of construction contracts. The amendment further provides the Authority with the power to enter into agreements providing for the eventual relinquishment of the Bypass to the State.

IV. Consequences of Negative Action:

A negative action of the Board would not amend the JPA providing the opportunity for significant complications in acquiring right of way for the project.

Continued on Attachment: ___ SIGNATURE: _____

STAFF REPORT -CONSENT CALENDAR

TO BE CONSIDERED AT THE CITY COUNCIL MEETING OF MAY 13, 1997

FROM: JOHN STEVENSON, CITY ENGINEERING DEPARTMENT

**SUBJECT: SIXTH AMENDMENT TO THE JOINT POWERS AGREEMENT
FOR THE STATE ROUTE 4 BYPASS AUTHORITY. PROJECT
NO. 4660-6X4409**

RECOMMENDATION: Approve the Sixth Amendment to the Joint Powers Agreement for the State Route Bypass Authority.

BACKGROUND: The Sixth Amendment clarifies the State Route 4 Bypass Authority's role for the upcoming construction of projects for the Bypass. The agreement now provides that the Bypass Authority can acquire and hold right of way for the Project. This amendment provides for the acquisition through the use of eminent domain. The amendment also clarifies the obligation of the participants relative to right of way previously acquired for the project.

The amendment also clarifies powers related to the advertising and award of construction contracts. The amendment further provides the Authority with the power to enter into agreements providing for the eventual relinquishment of the Bypass to the State.

FISCAL IMPACT: None.

Attachment: Agreement (Sixth Amendment to Joint Exercise of Powers Agreement for Construction of the State Route 4 Bypass)

RESOLUTION NO. 94-162

A RESOLUTION OF THE CITY OF BRENTWOOD APPROVING THE FIFTH AMENDMENT TO THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE CONSTRUCTION OF THE ROUTE 4 BYPASS BETWEEN THE CITIES OF ANTIOCH, BRENTWOOD AND CONTRA COSTA COUNTY RELATING TO CONSTRUCTION AND FUNDING.

WHEREAS, the Cities of Brentwood and Antioch along with the Contra Costa County desire to modify the Joint Exercise of Powers Agreement to include construction in addition to determination of the alignment and preparation of the environmental documents; and

WHEREAS, the Cities of Brentwood and Antioch along with Contra Costa County desire to modify the Joint Exercise of Powers Agreement to recognize the revenues to be generated for this project by the recently adopted Eastern Contra Costa County Sub-Regional Transportation Mitigation Fee; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brentwood does hereby approve the Fifth Amendment to the Joint Powers Agreement of the State Route 4 Bypass for Route Adoption of the Route 4 Bypass as attached and the Mayor is hereby authorized to execute said agreement. This resolution becomes effective upon passage of this resolution.

PASSED by the City Council of the City of Brentwood on September 27, 1994 by the following vote:

AYES: Councilmembers Gottfried, Sherman, Guise and Vice-Mayor Doheny

NOES: None

ABSENT: Mayor Hill

APPROVED:


Vice- MAYOR

ATTEST:


DEPUTY CITY CLERK

Attachment:

Fifth Amendment to the JPA Agreement

TRAFFIC/CPA