

AMENDMENT #5 TO AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY
AND
MEYERS NAVE RIBACK SILVER & WILSON

THIS AMENDMENT No. 5 to the agreement dated June 25, 2014, between the Transportation Agency for Monterey County, hereinafter referred to as "TAMC," and Meyers Nave Riback Silver & Wilson, a professional law corporation, hereinafter referred to as "Consultant," is hereby entered into between TAMC and the Consultant.

RECITALS:

- A. **WHEREAS**, TAMC and Consultant entered into an agreement for professional services on June 25, 2014, hereinafter referred to as "Agreement;"
- B. **WHEREAS**, Amendment No. 1 to the Agreement was properly entered into by and between TAMC and Consultant on June 26, 2017, which extended the term of the Agreement to December 31, 2017 and added THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) to the budget for a total not-to-exceed amount of FOUR HUNDRED NINETY-NINE THOUSAND DOLLARS (\$499,000);
- C. **WHEREAS**, Amendment No. 2 to the Agreement was properly entered into by and between TAMC and Consultant on October 25, 2017, which extended the term of the Agreement to December 31, 2018;
- D. **WHEREAS**, Amendment No. 3 to the Agreement was properly entered into by and between TAMC and Consultant on October 24, 2018, which extended the term of the Agreement to December 31, 2019 and added SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$680,000) to the budget for a total not-to-exceed amount of ONE MILLION ONE HUNDRED SEVENTY-NINE THOUSAND FOUR HUNDRED DOLLARS (\$1,179,400);
- E. **WHEREAS**, Amendment No. 4 to the Agreement was properly entered into by and between TAMC and Consultant on April 24, 2019, which added SIX HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$675,500) to the budget for a total not-to-exceed amount of ONE MILLION EIGHT HUNDRED FIFTY-FOUR THOUSAND NINE HUNDRED DOLLARS (\$1,854,900);
- F. **WHEREAS**, for the condemnation phase of the property acquisition of the first package of parcels required for the Rail Extension to Monterey County project to be deemed complete, MWM Investments, defendant in Monterey County Superior Court Case No. 17CV001231. must legally perform certain actions related to the demolition of their warehouse and establishment of a temporary construction easement; and
- G. **WHEREAS**, TAMC and Consultant desire to amend the Agreement to allow Consultant to continue providing legal services to ensure such actions are completed.

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

1. **TERM OF AGREEMENT**

The Term of Agreement shall be extended until December 31, 2020.

2. **REMAINDER OF TERMS UNCHANGED**

All other terms of the Agreement remain in full effect.

An executed copy of this Amendment No. 5 shall be attached to the Agreement and shall be incorporated as if fully set forth therein.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 5 to the Agreement with Consultant.

TAMC :

CONSULTANT:

Debra L. Hale
Executive Director

(date)

Approved as to form:

TAMC Counsel

(date)

(date)