

AMENDMENT #2 TO THE LOST RENT AGREEMENT
BETWEEN
THE TRANSPORTATION AGENCY FOR MONTEREY COUNTY
AND
ELAINE MOLINARI, AS TRUSTEE OF THE
ELAINE M. MOLINARI REVOCABLE TRUST

THIS AMENDMENT NO. 2 to the agreement dated March 1, 2016, between the Transportation Agency for Monterey County, hereinafter referred to as "TAMC," and Elaine Molinari, as Trustee of the Elaine M. Molinari Revocable Trust, hereinafter referred to as "Owner," is hereby entered into between TAMC and the Owner.

RECITALS:

- A. **WHEREAS**, TAMC has been seeking to acquire the property located at 17 Station Place, Salinas, California 93901 ("Subject Property") from the Owner and presented offers to purchase the Subject Property on September 1, 2015 and January 25, 2017; and
- B. **WHEREAS**, TAMC and Owner entered into a lost rent agreement on March 1, 2016, hereinafter referred to as "Agreement," which requires TAMC to pay the Owner for any rooms that are vacated after January 28, 2016 in return for the Owner to maintain vacancy on said rooms; and
- C. **WHEREAS**, TAMC filed an eminent domain action on April 6, 2017, in order to acquire the Subject Property; and
- D. **WHEREAS**, TAMC filed its Motion for Prejudgment Possession on June 16, 2016, and the hearing on said motion was set for September 29, 2017
- E. **WHEREAS**, TAMC and Owner desire to amend the Agreement to extend the term and allow for property acquisition negotiations to continue and for effective possession to be expedited.

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

1. **ARTICLE 3 - TERM**

The term of the Agreement is hereby extended until October 31, 2017.

2. **ARTICLE 7 – TERMINATION**

The first sentence of this article is deleted and replaced by the following: "The Agreement will terminate on October 31, 2017."

3. **ARTICLE 8 – POSSESSION & NON-INTERFERENCE**

The full text of this article will be replaced by the following: "TAMC is authorized to take possession of the property located at 17 Station Place, Salinas California effectively on September 1, 2017, and to remove therefrom any and all persons, obstacles, improvements, or structures of every kind or nature situated thereon and to fully possess

and use said property as of September 1, 2017.”

4. **REMAINDER OF TERMS UNCHANGED**

All other terms of the Agreement remain in full effect.

An executed copy of this Amendment No. 2 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 to the Agreement with Elaine Molinari, as Trustee of the Elaine M. Molinari Revocable Trust.

TAMC:

Owner:

Debra L. Hale
Executive Director

(date)

Approved as to form:

TAMC Counsel

(date)

(date)