

**FIRST AMENDMENT TO AGREEMENT**  
**BETWEEN THE COUNTY OF SANTA BARBARA AND**  
**THE LAND TRUST FOR SANTA BARBARA COUNTY FOR THE**  
**CONSTRUCTION OF THE FRANKLIN TRAIL**

THIS FIRST AMENDMENT ("First Amendment") to AGREEMENT BETWEEN THE COUNTY OF SANTA BARBARA AND THE LAND TRUST FOR SANTA BARBARA COUNTY FOR THE CONSTRUCTION OF THE FRANKLIN TRAIL ("Agreement") is executed by and between the Land Trust for Santa Barbara County ("Land Trust") and the County of Santa Barbara ("County") effective July \_\_, 2013, with reference to the following facts:

**WHEREAS,**

- A. Effective August 21, 2012, the Land Trust and County entered into the Agreement for the construction of a portion of the Franklin Trail; and
- B. County holds public trail easements for the Franklin Trail on private properties with the following Assessor Parcel Numbers (or portions of): 004-004-031, 004-004-028, 004-004-012, 004-004-013, 004-004-042, 155-180-063, 155-170-069, 155-190-046, 155-190-052, 155-190-053, 155-190-010, 155-190-009, 151-190-019 ("Subject Property"); and
- C. Construction of the Franklin Trail by Land Trust is consistent with the mission of Land Trust and will provide significant public recreational benefit to the community at large; and
- D. Land Trust, in collaboration with Friends of the Franklin Trail, has raised private charitable donations designated for the Initial Construction Phase of the Franklin Trail; and
- E. County previously authorized the allocation to the Land Trust of \$75,000 from Park Development Mitigation Funds from the South Coast East Development Mitigation Fee Fund 1404 toward the permitting and construction of the Initial Construction Phase of the Franklin Trail; and
- F. The Land Trust, in collaboration with Friends of the Franklin Trail, has commenced construction of the Initial Construction Phase of the Franklin Trail; and
- G. Costs have increased for the construction of the Initial Construction Phase of the Franklin Trail, and additional funds are necessary to complete the Initial Construction Phase of the Franklin Trail; and

- H. County desires to amend its contribution for the construction of the Initial Construction Phase of the Franklin Trail by contributing an additional \$47,000 from the South Coast East Quimby Fee Agency Fund (\$38,998) and from the South Coast East Development Mitigation Fund (\$8,002) for a grand total County contribution for the Initial Construction Phase of the Franklin Trail project of \$122,000.

**NOW THEREFORE**, the Land Trust and County hereby mutually agree to further modify and amend the Agreement as follows:

- A. A new section B.5 shall be added, which states the following:

“It is expressly agreed and understood that the total amount to be contributed by the County under this Agreement for the construction of the Initial Construction Phase of the Franklin Trail shall not exceed One Hundred Twenty Two Thousand Dollars and No Cents (\$122,000.00), including the following:

1. Seventy Five Thousand Dollars and No Cents (\$75,000.00) from the South Coast East Development Mitigation Fund already provided on October 23, 2012 to the Land Trust;
  2. Thirty Eight Thousand Nine Hundred Ninety Eight Dollars and No Cents (\$38,998) from the South Coast East Quimby Fee Agency Fund; and
  3. An additional Eight Thousand Two Dollars and No Cents (\$8,002) from the South Coast East Development Mitigation Fund (\$8,002).”
- B. Except as set forth in Paragraph A, above, this First Amendment shall not modify or change any of the provisions of the Agreement and the parties to the Agreement and to this First Amendment are bound to the Agreement provisions as set forth therein.

IN WITNESS THEREOF, the parties have executed this First Amendment to be effective upon the date of signature by both parties.

BY:

“Land Trust”

Land Trust for Santa Barbara County

\_\_\_\_\_  
Warren P. Miller, President

\_\_\_\_\_  
Date

“COUNTY”  
COUNTY OF SANTA BARBARA

ATTEST:  
CHANDRA L. WALLAR  
CLERK OF THE BOARD

By:\_\_\_\_\_  
SALUD CARBAJAL, CHAIR  
Board of Supervisors

By:\_\_\_\_\_  
Deputy Clerk

Date:\_\_\_\_\_

APPROVED AS TO FORM:  
DENNIS A. MARSHALL  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:  
ROBERT W. GEIS, C.P.A.  
AUDITOR-CONTROLLER

By:\_\_\_\_\_  
Deputy County Counsel

By:\_\_\_\_\_  
Auditor-Controller  
Gregory E. Levin  
Advanced and Specialty Accounting

APPROVED:

APPROVED:

\_\_\_\_\_  
Ronn Carlentine, SR/WA  
Real Property Manager

\_\_\_\_\_  
Ray Aromatorio, ARM, AIC  
Risk Manager