

**Second Amendment to the
Amended and Restated Contract for Water, Sewer, and Other Services between
the City of Merced and the Regents of the University of California**

THIS SECOND AMENDMENT to the Amended and Restated Contract for Water, Sewer, and Other Services between the City of Merced and the Regents of the University of California ("Second Amendment to the Contract") between the City of Merced, a California Charter Municipal Corporation ("City") and The Regents of the University of California, on behalf of the University of California, Merced campus ("UCM").

WHEREAS, UCM has previously constructed Phase One of the university campus and is presently constructing the Revised 2020 project which are both referred to herein as the Project ("Project"); and

WHEREAS, City and UCM have previously entered into an Amended and Restated Contract for Water, Sewer and Other Services for said Project dated April 29, 2016 ("Urban Services Contract"); and

WHEREAS, City and UCM also entered into the First Amendment to the Amended and Restated Contract for Water, Sewer and Other Services ("First Amendment to the Contract") dated October 17, 2016 in order to modify the terms of payment for said Project; and

WHEREAS, UCM's Project is nearing completion and the City and UCM now desire to enter into the Second Amendment to the Contract to adjust the service boundaries of the relevant campus maps and the language of the corresponding legal descriptions to reflect the service area; and

WHEREAS, the Second Amendment to the Contract only adjusts the service boundaries and does not increase the acreage within the service area.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

1. Attachment 4 to the Urban Services Contract containing the "Map of Phase One of the UCM Campus" and the "Map of Revised 2020 Project: UCM Campus--Illustrative of the Boundaries of Revised 2020 Project, UCM Campus Only" is hereby replaced with the revised maps and associated legal descriptions attached hereto and incorporated herein as Amended Attachment 4.

2. Except as herein amended, the Urban Services Contract between the City of Merced and The Regents of the University of California dated April 29, 2016 and the First Amendment to the Contract shall remain in full force and effect.

IN WITNESS HEREOF, the parties hereto have caused this Second Amendment to Contract to be duly executed on the last date written below.

CITY OF MERCED

MAYOR

DATE

ATTEST:

CITY CLERK

APPROVED AS TO FORM



CITY ATTORNEY

THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA

BY:

DATE

AMENDED ATTACHMENT 4

Revised Map of Phase One of the UCM Campus and revised associated legal description

and

Revised Map of Revised 2020 Project: UCM Campus--Illustrative of Boundaries of Revised 2020 Project, UCM Campus Only and revised associated legal description

3224144.1

PHASE 1 - ATTACHMENT 4-A

All that real property situate in the County of Merced, State of California, lying and being within Section 34, Township 6 South, Range 14 East, M.D.M., being a portion of the lands granted to the Regents of the University of California, a California public corporation in that certain grant deed filed in the office of the County Recorder of Merced County as Document No. 2002-012594 and as shown on that certain Record of Survey for the "University of California Merced Campus", filed in the office of the County Recorder of Merced County in Book 37 of Surveys, Pages 23-26 and further being a portion of Parcels 1, 2, and 3, as shown on that certain Parcel Map for "Merced Community Golf Association, being a Division of Parcel 2 according to Parcel Map for Merced County Board of Education as Trustee of the Testamentary Trust of Virginia Smith Book 59 Parcel Maps, Page 1 M.C.R.", filed in the office of the County Recorder of Merced County in Book 83 of Parcel Maps, Pages 9-12 and being more particularly described as follows:

COMMENCING at a 2" iron pipe set in a monument well and accepted as the Southwest corner of said Section 34 as shown on said Record of Survey; thence along the West line of said lands of the Regents of the University of California, North 01°07'48" East, 78.67 feet to the true **POINT OF BEGINNING**; thence continuing along the West and Northwesterly line of said lands of the Regents of the University of California, being also the West and Northwesterly line of said Parcel 2 as shown in Book 59 of Parcel Maps, Page 1 the following eight (8) courses:

1. North 01°07'48" East, 792.89 feet; thence
2. North 55°13'43" East, 243.36 feet; thence
3. North 72°47'31" East, 822.80 feet; thence
4. North 54°05'52" East, 159.13 feet; thence
5. North 35°48'37" East, 372.62 feet; thence
6. North 48°18'50" East, 373.01 feet; thence
7. South 41°40'18" East, 52.28 feet; thence
8. North 49°00'21" East, 289.69 feet; thence

leaving said Northwesterly line and running in a generally Easterly direction the following nine (9) courses:

1. North 79°06'27" East, 286.58 feet; thence
2. North 62°23'58" East, 442.11 feet; thence
3. North 84°18'16" East, 479.34 feet; thence
4. South 69°05'09" East, 232.10 feet; thence
5. North 89°09'17" East, 128.81 feet; thence
6. North 75°29'52" East, 197.31 feet; thence
7. North 36°52'26" East, 16.33 feet; thence
8. South 87°30'48" East, 32.30 feet; thence
9. South 63°30'55" East, 440.18 feet;

thence running in a generally Southerly and Westerly direction along the following forty seven (47) courses:

1. South 05°11'40" West, 74.10 feet; thence
2. South 23°21'25" East, 40.08 feet; thence
3. South 63°26'06" West, 24.62 feet; thence
4. South 00°00'00" West, 65.32 feet; thence
5. South 45°00'01" West, 27.71 feet; thence

PHASE 1 - ATTACHMENT 4-A

6. South 86°18'31" West, 202.92 feet; thence
7. South 65°53'52" West, 271.94 feet; thence
8. South 63°26'04" West, 29.21 feet; thence
9. South 59°02'10" West, 38.09 feet; thence
10. South 07°07'30" West, 52.67 feet; thence
11. South 09°27'45" East, 39.73 feet; thence
12. South 08°07'48" East, 46.19 feet; thence
13. South 29°03'17" East, 67.25 feet; thence
14. South 45°00'00" West, 157.05 feet; thence
15. South 87°42'34" West, 163.44 feet; thence
16. South 59°02'11" West, 76.18 feet; thence
17. South 70°20'46" West, 97.11 feet; thence
18. South 60°15'18" West, 52.67 feet; thence
19. South 45°00'00" West, 36.95 feet; thence continuing
20. South 45°00'00" West, 46.19 feet; thence
21. South 54°27'44" West, 56.19 feet; thence
22. South 28°36'38" West, 81.85 feet; thence
23. South 11°18'36" West, 33.31 feet; thence
24. South 03°34'35" West, 104.72 feet; thence
25. South 36°52'12" West, 65.32 feet; thence
26. South 80°08'03" West, 152.50 feet; thence
27. North 48°00'46" West, 87.88 feet; thence
28. North 78°41'24" West, 66.62 feet; thence
29. South 90°00'00" West, 78.39 feet; thence
30. South 79°59'31" West, 112.77 feet; thence
31. South 55°18'17" West, 103.29 feet; thence
32. South 41°11'09" West, 69.44 feet; thence
33. South 21°02'15" West, 90.99 feet; thence
34. South 12°31'43" West, 60.23 feet; thence
35. South 63°26'06" West, 116.85 feet; thence
36. South 06°20'25" East, 177.46 feet; thence
37. South 77°00'20" West, 87.15 feet; thence
38. South 26°33'54" East, 73.03 feet; thence
39. South 27°24'27" West, 198.67 feet; thence
40. South 83°17'25" West, 111.82 feet; thence
41. South 82°24'19" West, 98.85 feet; thence
42. South 90°00'00" West, 19.60 feet; thence
43. North 85°14'11" West, 78.66 feet; thence
44. South 26°33'55" West, 58.43 feet; thence
45. South 11°18'35" West, 66.62 feet; thence
46. South 08°07'49" West, 46.19 feet; thence
47. South 07°35'41" East, 35.68 feet;

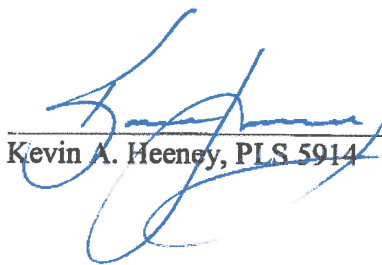
thence parallel with the South line of said Section 34, North 89°50'14" West, 1604.33 feet to the POINT OF BEGINNING, containing 102.00 acres, more or less.

PHASE 1 - ATTACHMENT 4-A

The Basis of Bearings for this description is the California Coordinate System, NAD 83, Zone 3 as defined on that certain Record of Survey filed in the office of the County Recorder of Merced County in Book 37 of Surveys, Pages 23-26. Distances given herein are grid distances. Multiply the grid distance by 1.000045 to obtain ground distances.

End of Description

This description has been prepared by me or under my direct supervision in connection with the University of California, Merced Campus "Phase 1 Project".


Kevin A. Heeney, PLS 5914



05/13/2019
Date

Plat to Accompany Legal Description
 PHASE 1 CAMPUS BOUNDARY
 UNIVERSITY OF CALIFORNIA, MERCED
 BEING A PORTION OF PARCELS 1, 2 & 3
 OF PARCEL MAP BK. 83, PG. 9
 LYING WITHIN
 SECTION 34, T. 6 S., R. 14 E., M.D.M.
 & SECTION 3, T. 7 S., R. 14 E., M.D.M.
 COUNTY OF MERCED



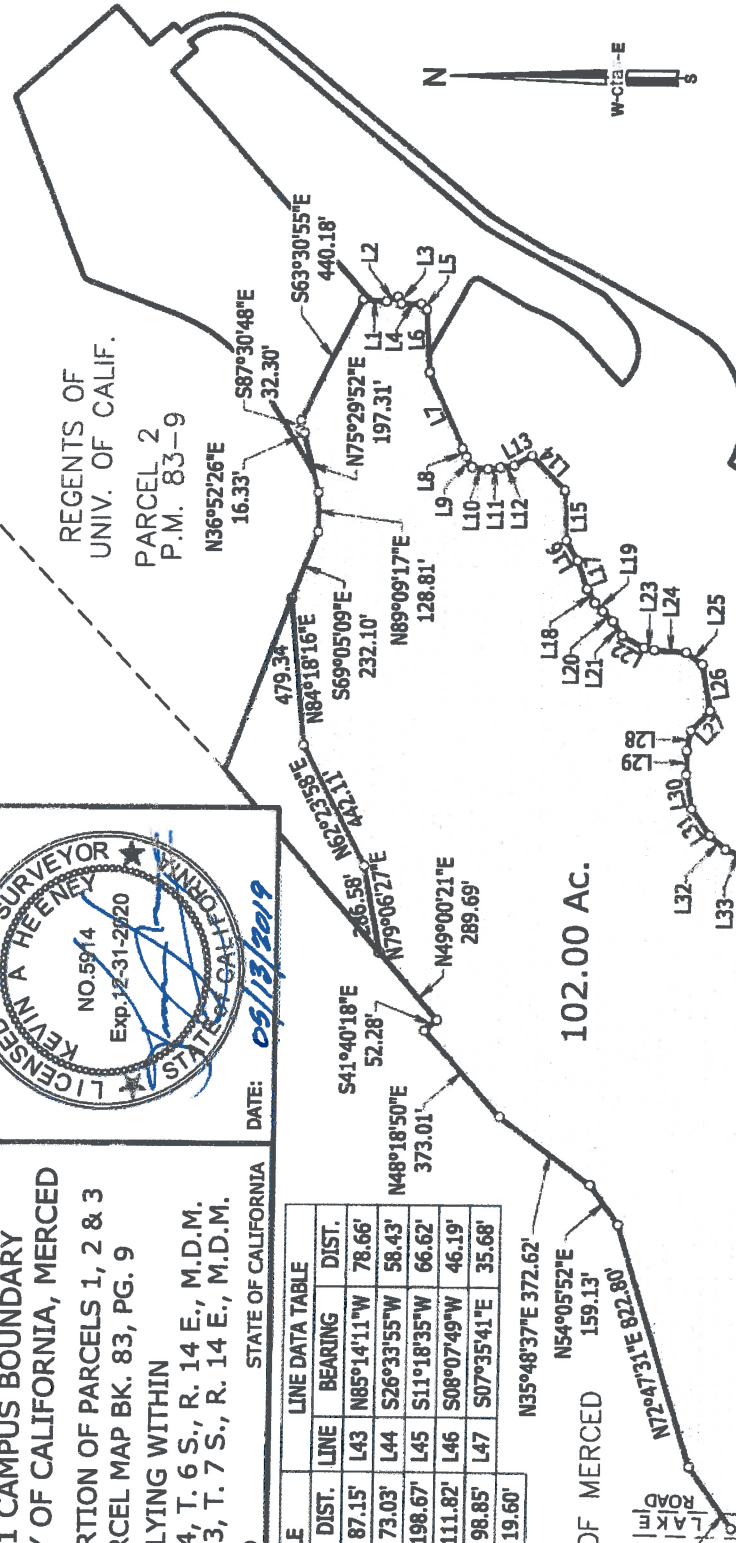
DATE: 05/13/2019

LINE DATA TABLE			
LINE	BEARING	DIST.	DIST.
L37	S77°00'20"W	87.15'	78.66'
L38	S26°33'54"E	73.03'	58.43'
L39	S27°24'27"W	198.67'	66.62'
L40	S83°17'25"W	111.82'	46.19'
L41	S82°24'19"W	98.85'	35.68'
L42	S90°00'00"W	19.60'	

COUNTY OF MERCED

102.00 AC.

POINT OF BEGINNING
 N01°07'48"E
 78.67'
 N01°07'48"E 792.89'
 N55°13'43"E 243.36'
 FOUND 2" IRON PIPE IN MONUMENT WELL ACCEPTED AS SW. CORNER SECTION 34 PER R.S. 37-23
 N89°50'14"W 1604.33'



LINE DATA TABLE			
LINE	BEARING	DIST.	DIST.
L1	S05°11'40"W	74.10'	36.95'
L2	S23°21'25"E	40.08'	46.19'
L3	S63°26'06"W	24.62'	56.19'
L4	S00°00'00"W	65.32'	81.85'
L5	S45°00'01"W	27.71'	33.31'
L6	S86°18'31"W	202.92'	104.72'
L7	S65°53'52"W	271.94'	65.32'
L8	S63°26'04"W	29.21'	152.50'
L9	S59°02'10"W	38.09'	87.88'
L10	S07°07'30"W	52.67'	66.62'
L11	S09°27'45"E	39.73'	78.39'
L12	S08°07'48"E	46.19'	112.77'
L13	S29°03'17"E	67.25'	103.29'
L14	S45°00'00"W	157.05'	69.44'
L15	S87°42'34"W	163.44'	90.99'
L16	S59°02'11"W	76.18'	60.23'
L17	S70°20'46"W	97.11'	116.85'
L18	S60°15'18"W	52.67'	177.46'

The boundaries shown hereon do not depict parcel lines, but depict the boundaries of the service area and annex area covered by the Urban Services Agreement and Agreement to Annex.

SHEET 1 OF 1
 OWNER: Regents of the University of California
 JOB No: 13-026-001
 SCALE: 1"=600'

REVISED 2020 PROJECT CAMPUS BOUNDARY - ATTACHMENT 4-C

All that real property situate in the County of Merced, State of California, lying within Section 34, Township 6 South, Range 14 East, M.D.M., as shown on that certain Record of Survey for the "University of California Merced Campus", filed in Book 37 of Surveys, Pages 23-26, Merced County records and being a portion of Parcels 1, 2 and 3, as shown on that certain Parcel Map for "Merced Community Golf Association", filed in Book 83 of Parcel Maps, Pages 9-12, together with a portion of the North One-half of Section 3, Township 7 South, Range 14 East, M.D.M. and being more particularly described as follows:

AREA 1

COMMENCING at a 2" iron pipe set in a monument well and accepted as the Southwest corner of said Section 34 as shown on said Record of Survey; thence along the West and Northwesterly line of said lands of the Regents of the University of California, being also the West and Northwesterly line of said Parcel 1 as shown in Book 83 of Parcel Maps, Page 9 the following seven (7) courses:

1. North 01°07'48" East, 871.56 feet; thence
2. North 55°13'43" East, 243.36 feet; thence
3. North 72°47'31" East, 822.80 feet; thence
4. North 54°05'52" East, 159.13 feet; thence
5. North 35°48'37" East, 372.62 feet; thence
6. North 48°18'50" East, 373.01 feet; thence
7. South 41°40'18" East, 52.28 feet;

thence North 49°00'21" East, 289.69 feet to the **POINT OF BEGINNING**; thence continuing along said West and Northwesterly line of said Parcel 1, North 49°00'21" East, 781.81 feet to a point on the South line of a permanent easement to the Merced Irrigation District for the "Le Grand Canal" per Book 2299, Page 963, Series No. 19713 Official Records of Merced County, hereinafter after referred to as the "Le Grand Canal"; thence along the Southerly line of said "Le Grand Canal" North 69°46'50" East, 596.89 feet; thence leaving the Southerly line of said "Le Grand Canal", South 84°18'16" West, 479.34 feet; thence South 62°23'58" West, 442.11 feet; thence South 79°06'27" West, 286.58 feet to the **POINT OF BEGINNING**, containing 4.062 acres, more or less.

TOGETHER WITH:

AREA 2

BEGINNING at a 2" iron pipe set in a monument well and accepted as the Southwest corner of said Section 34 as shown on said Record of Survey; thence along the West line of said lands of the Regents of the University of California, being also the West line of said Parcel 1 as shown in Book 83 of Parcel Maps, Page 9, North 01°07'48" East, 78.67 feet; thence leaving said West line, South 89°50'14" East, 1,604.33 feet; thence North 07°35'41" West, 35.68 feet; thence North 08°07'49" East, 46.19 feet; thence North 11°18'35" East, 66.62 feet; thence North 26°33'55" East, 58.43 feet; thence South 85°14'11" East, 78.66 feet; thence North 90°00'00" East, 19.60 feet; thence North 82°24'19" East, 98.85 feet; thence North 83°17'25" East, 111.82

REVISED 2020 PROJECT CAMPUS BOUNDARY - ATTACHMENT 4-C

feet; thence North 27°24'27" East, 198.67 feet; thence North 26°33'54" West, 73.03 feet; thence North 77°00'20" East, 87.15 feet; thence North 06°20'25" West, 177.46 feet; thence North 63°26'06" East, 116.85 feet; thence North 12°31'43" East, 60.23 feet; thence North 21°02'15" East, 90.99 feet; thence North 41°11'09" East, 69.44 feet; thence North 55°18'17" East, 103.29 feet; thence North 79°59'31" East, 112.77 feet; thence North 90°00'00" East, 78.39 feet; thence South 78°41'24" East, 66.62 feet; thence South 48°00'46" East, 87.88 feet; thence North 80°08'03" East, 152.50 feet; thence North 36°52'12" East, 65.32 feet; thence North 03°34'35" East, 104.72 feet; thence North 11°18'36" East, 33.31 feet; thence North 28°36'38" East, 81.85 feet; thence North 54°27'44" East, 56.19 feet; thence North 45°00'00" East, 46.19 feet; thence North 45°00'00" East, 36.95 feet; thence North 60°15'18" East, 52.67 feet; thence North 70°20'46" East, 97.11 feet; thence North 59°02'11" East, 76.18 feet; thence North 87°42'34" East, 163.44 feet; thence North 45°00'00" East, 157.05 feet; thence North 29°03'17" West, 67.25 feet; thence North 08°07'48" West, 46.19 feet; thence North 09°27'45" West, 39.73 feet; thence North 07°07'30" East, 52.67 feet; thence North 59°02'10" East, 38.09 feet; thence North 63°26'04" East, 29.21 feet; thence North 65°53'52" East, 271.94 feet; thence North 86°18'31" East, 65.77 feet to a point on the North and East line of a permanent easement to the Merced Irrigation District for the "Fairfield Canal" per Book 2299, Page 963, Series No. 19713 Official Records of Merced County, hereinafter referred to as "Fairfield Canal"; thence leaving said North line, South 59°41'37" East, 209.51 feet to a point on the South and West line of said "Fairfield Canal"; thence along said South line South 61°42'36" East, 53.68 feet; thence along the arc of a curve to the right, having a radius of 25.00 feet, the chord of which bears South 15°58'37" East, 35.80 feet; thence South 29°45'21" West, 172.37 feet; thence South 22°37'44" West, 58.69 feet; thence along the arc of a curve to the right, having a radius of 425.00 feet, the chord of which bears South 35°19'38" West, 186.84 feet; thence South 48°01'32" West, 114.65 feet; thence along an arc of a curve to the left, having a radius of 575.00 feet, the chord of which bears South 45°31'01" West, 50.33 feet; thence leaving the South and West line of line of said "Fairfield Canal", along the arc of a non-tangent curve, concave to the Northeast, with a radius of 141.00 feet and a chord which bears South 83°45'15" East, 198.20 feet; thence North 48°01'32" East, 129.21 feet; thence North 28°03'56" East, 399.23 feet; thence along the arc of a curve to the right, having a radius of 560.00 feet, the chord of which bears North 34°30'52" East, 92.91 feet; thence North 39°16'22" West, 911.25 feet; thence along the arc of a curve to the left, having a radius of 179.00 feet, the chord of which bears North 01°33'50" West, 234.10 feet; thence South 47°35'56" West, 35.40 feet; thence North 42°21'03" West, 104.92 feet; thence South 47°38'57" West, 191.00 feet; thence South 48°29'31" West, 800.33 feet; thence North 05°11'40" East, 21.49 feet; thence North 63°30'55" West, 500.06 feet to a point on the South line of said "Le Grand Canal"; thence along said South line, North 58°24'14" East, 184.24 feet; thence along the arc of a curve to the left, having a radius of 575.00 feet, the chord of which bears North 39°29'03" East, 372.88 feet; thence North 20°33'52" East, 311.34 feet; thence along the arc of a curve to the right, having a radius of 25.00 feet; the chord of which bears North 44°31'14" East, 20.30 feet; thence North 68°28'36" East, 627.36; thence leaving the South line of said "Le Grand Canal", South 42°21'03" East, 435.99 feet; thence South 47°38'57" West, 166.20 feet; thence South 42°21'03" East,

REVISED 2020 PROJECT CAMPUS BOUNDARY - ATTACHMENT 4-C

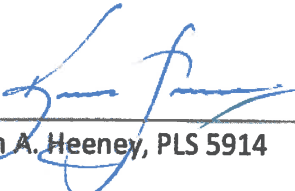
99.82 feet; thence South 47°35'56" West, 34.40 feet; thence along the arc of a non-tangent curve, concave to the West, with a radius 221.00 feet and a chord of which bears South 01°33'50" East, 289.03 feet; thence South 39°16'22" West, 911.25 feet; thence along the arc of a curve to the left, having a radius of 518.00 feet, the chord of which bears South 34°30'52" West, 85.94 feet; thence South 28°03'56" west, 399.23 feet; thence South 28°29'54" West, 307.35 feet; thence along the arc of a curve to the right, having a radius of 321.00 feet, the chord of which bears South 73°22'39" West, 455.17 feet to a point on the West line of said "Fairfield Canal"; thence along said West line, South 30°09'09" West, 62.74 feet; thence South 20°33'52" West, 197.12 feet; thence South 05°42'47" West, 229.16 feet; thence South 04°05'15" East, 202.90 feet; thence along the arc of a curve to the right, having a radius of 25.00 feet, the chord of which bears South 18°39'46" West, 19.34 feet; thence South 41°24'47" West, 112.35 feet; thence along the arc of a curve to the left, having a radius of 175.00 feet, the chord of which bears South 22°12'49" West, 115.10 feet; thence South 03°00'51" West, 65.13 feet to a point on the South line of Parcel 3 as shown in Book 83 of Parcel Maps, Page 9; thence leaving the West line of said "Fairfield Canal" along said South line of Parcel 3, South 89°50'14" East, 78.76 feet; thence leaving said South line, South 02°05'25" West, 772.00 feet; thence West, 1,062.86 feet; thence North 01°02'23" East, 253.08 feet; thence North 89°52'33" West, 2,040.08 feet to a point on the East line of Lake Road; thence along the East line of Lake road, North 01°27'06" East, 523.04 feet the Southwest corner of said Parcel 3; thence North 89°50'14" West, 54.99 feet to the **POINT OF BEGINNING**, containing 112.995 acres, more or less.

The total area contained within the described areas is 117.057 acres, more or less.

The Basis of Bearings for this description is the California Coordinate System, NAD 83, Zone 3 as defined on that certain Record of Survey filed in the office of the County Recorder of Merced County in Book 37 of Surveys, Pages 23-26. Distances given herein are grid distances. Multiply the grid distance by 1.000045 to obtain ground distances.

End of Description

This description has been prepared by me or under my direct supervision.


Kevin A. Heeney, PLS 5914



05/15/2019
Date

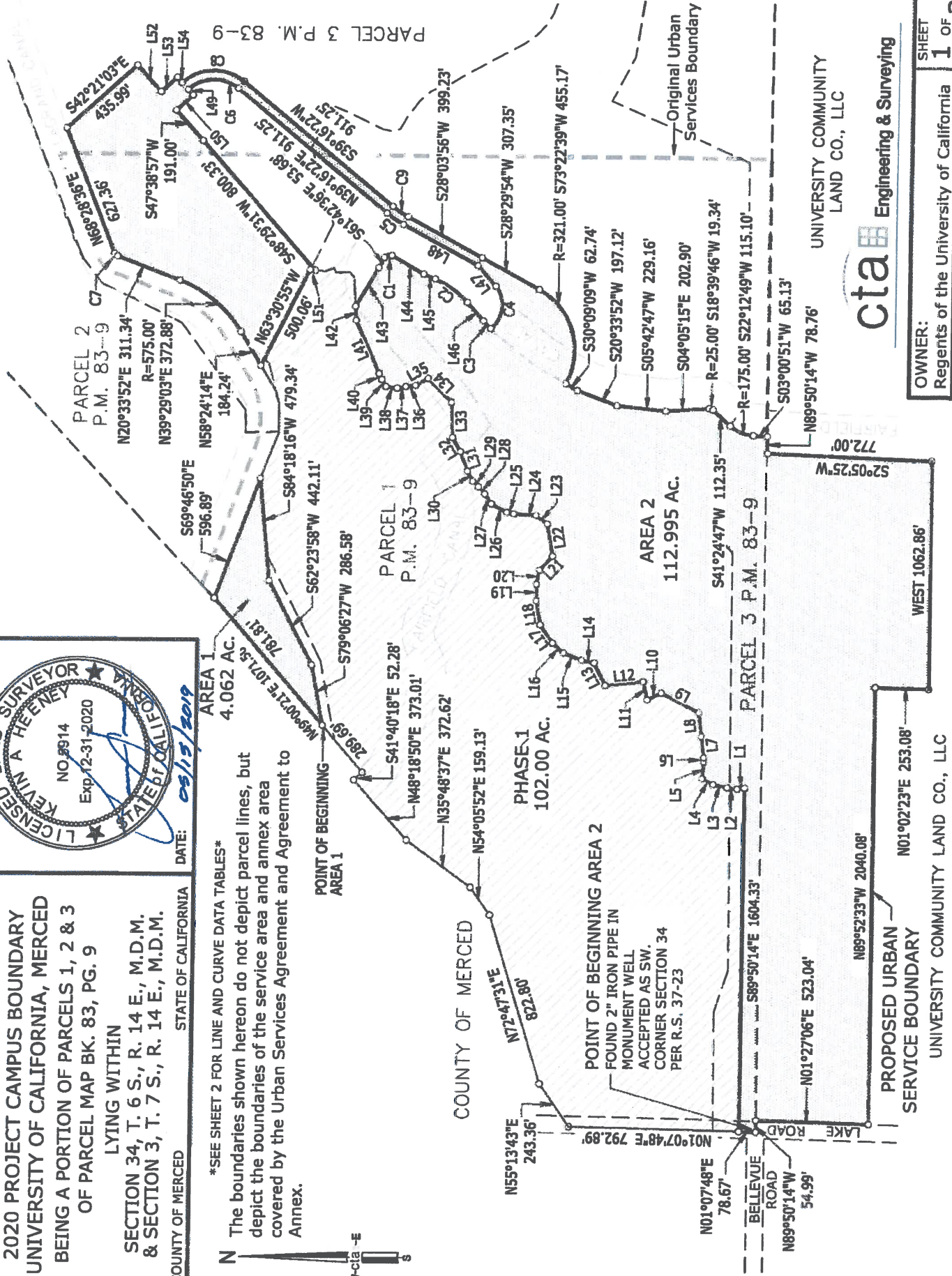
Plat to Accompany Legal Description
2020 PROJECT CAMPUS BOUNDARY
UNIVERSITY OF CALIFORNIA, MERCED
BEING A PORTION OF PARCELS 1, 2 & 3
OF PARCEL MAP BK. 83, PG. 9
LYING WITHIN
SECTION 34, T. 6 S., R. 14 E., M.D.M.
& SECTION 3, T. 7 S., R. 14 E., M.D.M.
COUNTY OF MERCED STATE OF CALIFORNIA



DATE: 08/15/2019

SEE SHEET 2 FOR LINE AND CURVE DATA TABLES

The boundaries shown hereon do not depict parcel lines, but depict the boundaries of the service area and annex area covered by the Urban Services Agreement and Agreement to Annex.



OWNER:	Regents of the University of California	SHEET	1
SCALE:	1"=600'	OF	2
JOB No:	13-026-001		

Plat to Accompany Legal Description
 2020 PROJECT CAMPUS BOUNDARY
 UNIVERSITY OF CALIFORNIA, MERCED
 BEING A PORTION OF PARCELS 1, 2 & 3
 OF PARCEL MAP BK. 83, PG. 9
 LYING WITHIN
 SECTION 34, T. 6 S., R. 14 E., M.D.M.
 & SECTION 3, T. 7 S., R. 14 E., M.D.M.
 COUNTY OF MERCED STATE OF CALIFORNIA DATE: 05/15/2019



LINE DATA TABLE				
LINE	BEARING	DIST.	LINE	DIST.
L1	N07°35'41"W	35.68'	L28	N45°00'00"E
L2	N08°07'49"E	46.19'	L29	N45°00'00"E
L3	N11°18'35"E	66.62'	L30	N60°15'18"E
L4	N26°33'55"E	58.43'	L31	N70°20'46"E
L5	S85°14'11"E	78.66'	L32	N59°02'11"E
L6	N90°00'00"E	19.60'	L33	N87°42'34"E
L7	N82°24'19"E	98.85'	L34	N45°00'00"E
L8	N83°17'25"E	111.82'	L35	N29°03'17"W
L9	N27°24'27"E	198.67'	L36	N08°07'48"W
L10	N26°33'54"W	73.03'	L37	N09°27'45"W
L11	N77°00'20"E	87.15'	L38	N07°07'30"E
L12	N06°20'25"W	177.46'	L39	N59°02'10"E
L13	N63°26'06"E	116.85'	L40	N63°26'04"E
L14	N12°31'43"E	60.23'	L41	N65°53'52"E
L15	N21°02'15"E	90.99'	L42	N86°18'31"E
L16	N41°11'09"E	69.44'	L43	S59°41'37"E
L17	N55°18'17"E	103.29'	L44	S29°45'21"W
L18	N79°59'31"E	112.77'	L45	S22°37'44"W
L19	N90°00'00"E	78.39'	L46	S48°01'32"W
L20	S78°41'24"E	66.62'	L47	N48°01'32"E
L21	S48°00'46"E	87.88'	L48	N28°03'56"E
L22	N80°08'03"E	152.50'	L49	S47°35'56"W
L23	N36°52'12"E	65.32'	L50	N42°21'03"W
L24	N03°34'35"E	104.72'	L51	N05°11'40"E
L25	N11°18'36"E	33.31'	L52	S47°38'57"W
L26	N28°36'38"E	81.85'	L53	S42°21'03"E
L27	N54°27'44"E	56.19'	L54	S47°35'56"W

CURVE DATA TABLE			
CURVE	RADIUS	CHORD	DIST.
C1	25.00'	S15°58'37"E	35.80'
C2	425.00'	S35°19'38"W	186.84'
C3	575.00'	S45°31'01"W	50.33'
C4	141.00'	S83°45'15"E	198.20'
C5	560.00'	N34°30'52"E	92.91'
C6	179.00'	N01°33'50"W	234.10'
C7	25.00'	N44°31'14"E	20.30'
C8	221.00'	S01°33'50"E	289.03'
C9	518.00'	S34°30'52"W	85.94'

cta Engineering & Surveying

OWNER: Regents of the University of California
 SCALE: 1"=600'
 SHEET 2 OF 2
 JOB No: 13-026-001