

LICENSE AMENDMENT No. 2

For SBCTA Contract No. 25-1003216 (File: RBPK001855)

This AMENDMENT is made and entered into as of the date executed by SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY, formed and existing pursuant to Public Utility Code §§130800 et seq. ("SBCTA"), and the City of Upland, a city municipality ("LICENSEE").

RECITALS:

SBCTA and LICENSEE are parties to a license agreement commencing September 1, 2003, known to SBCTA as Contract No. 25-1003216 (File: RBPK001855), together with the first amendment agreement thereto, dated January 14, 2005, being hereinafter referred to as the "Original License", the basic terms of which are provided in Part I thereunder.

The parties desire to modify the Original License as hereinafter provided, effective the date the last Party signs it. Except as specifically amended by this Amendment, all other provisions of the Original License shall remain in full force and effect.

AMENDMENT TERMS:

It is mutually agreed that the Original License is hereby changed, as follows:

- I. DELETE each instance of "SAN BERNARDINO ASSOCATED GOVERNMENTS" and "SANBAG" and REPLACE with "SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY" and "SBCTA," respectively.
- II. DELETE the preamble preceding Part I Basic License Provisions and REPLACE as follows:

LICENSE AGREEMENT

WHEREAS, in 1991 SBCTA purchased the railroad right of way known as the Baldwin Park Branch right of way from the Southern Pacific Transportation Company as one of two alternative rail corridors; and

WHEREAS, SBCTA Resolution No. 25-057 affirms that the Baldwin Park Branch right of way is formally reserved for a future transportation facility; and

WHEREAS, all non-transportation facility uses of the Baldwin Park Branch right of way are interim activities, such that they will not subject the property to Section 4(f) as described in 23 CFR 774.11(h); and

WHEREAS, SBCTA encourages compatible uses within the right of way which further public purposes and improve the quality of life; and

WHEREAS, the City of Upland Resolution No. 6810 acknowledges the Baldwin Park Branch right of way is formally reserved for a future transportation facility and that non-transportation facilities are interim uses.

NOW THEREFORE be it agreed that this LICENSE AGREEMENT ("Agreement") is made and entered into as of September 1, 2003, by and between the SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY, pursuant to California Public Utility Code §§130800 et seq. ("SBCTA"), and the CITY OF UPLAND ("LICENSEE"), upon and in consideration of the agreements, covenants terms, recitals above, and conditions below:"

III. DELETE Part I, Basic License Provisions, Item 2, and REPLACE as follows:

"2. Use of License Property:
Construction, maintenance, and use by the public of a bikeway and pedestrian walkway and associated landscaping and appurtenances, including a trailhead/urban plaza located between 2nd Avenue and 3rd Avenue depicted in Exhibit A-3. LICENSEE's use of the property is an interim activity, subject and subordinate to the formal reservation of the licensed property for a future transportation facility. (§1.1, §10)"

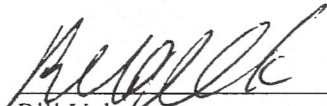
IV. ADD Exhibit A-3, Tom Thomas Magnolia Plaza Plan attached hereto as Attachment 1 and incorporated herein.

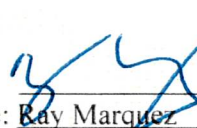
[Signatures on following page]

IN WITNESS WHEREOF, this AMENDMENT was duly executed by the LICENSEE and SBCTA on the dates below and is effective as the date executed by SBCTA.

LICENSEE:
CITY OF UPLAND, a municipal city

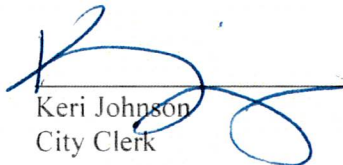
SBCTA:
SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY, a
county transportation authority pursuant
to Public Utility Code §§130800 et seq.


By: 
Name: Bill Velto
Title: Mayor, City of Upland
Date: 12/9/24

By: 
Name: Ray Marquez
Title: President
Date: 1/21/25

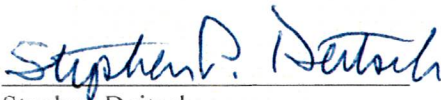
ATTEST:

Approved as to Form:

By: 
Keri Johnson
City Clerk

By:  01/09/2025
Julianna K. Tillquist
General Counsel

Approved as to Form:

By: 
Stephen Deutsch
City Attorney

ATTACHMENT 1

For SBCTA Contract No. 25-1003216 Amendment No. 2

Exhibit A-3 – Tom Thomas Magnolia Plaza Plan

