

## AMENDMENT NO 2

### RESTATED AND AMENDED PROPERTY ACCESS AGREEMENT FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS, TO THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, AT THE WEST LOS ANGELES CAMPUS, IN LOS ANGELES CALIFORNIA

THIS AMENDMENT NO 2 OF THE RESTATED AND AMENDED PROPERTY ACCESS AGREEMENT ("Agreement") is made and entered into on August 31<sup>st</sup>, 2020 (the "Effective Date"), by and between UNITED STATES OF AMERICA, and its assigns, with an address of 810 Vermont Ave., Washington, DC 20420 ("Government" or "VA") and The Los Angeles County Metropolitan Transportation Authority, with an address of One Gateway Plaza, Los Angeles, CA 90012-2952 ("Metro" or "LACMTA").

A. **WHEREAS**, Government is the owner of certain real estate, consisting of approximately 388 acres of land, with improvements located thereon, situated in Los Angeles, CA (hereinafter the "Property" or the "WLA Campus"), and known as the Department of Veterans Affairs Greater Los Angeles Medical Center located at 11301 Wilshire Boulevard Los Angeles, CA 90073, described in Exhibit A, attached hereto, and incorporated herewith.

B. **WHEREAS**, Government granted permission for Metro to enter the Property to perform due diligence investigations and implement preliminary construction activities ("Preliminary Construction Activities") within an area of the Property referred to as the "Site".

C. **WHEREAS**, Government and Metro have previously entered into a Restated and Amended Property Access Agreement for Due Diligence Activities and Preliminary Construction Activities within the Property dated January 8, 2020, as amended by that certain Amendment No. 1 thereto dated June 29, 2020 (collectively, the "Existing Property Access Agreement"), which has an expiration date of August 31, 2020.

D. **WHEREAS**, Government is willing to extend the term for Metro to enter the Site, which is depicted in Exhibit B-2, for the purpose of performing the Preliminary Construction Activities for the Purple Line Extension Project ("Project"), set forth in the scope of work contained in Exhibit B-1, in the physical locations depicted in Exhibit B-2.

**NOW, THEREFORE**, in consideration of the foregoing, and certain valuable non-monetary consideration, the parties hereby amend the Term subject to terms and conditions set forth herein.

1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated herein by reference.

2. Term. The Term of the Existing Property Access Agreement shall commence on the Effective Date and shall expire on October 30, 2020 (the "Term") unless earlier terminated by Government and/or Metro as set forth in the Existing Property Access Agreement.

3. Exhibits. Exhibit B-1 and Exhibit B-2 of the Existing Property Access Agreement are replaced by Exhibit B-1 and Exhibit B-2 attached hereto and incorporated herein by this reference.

4. Except as expressly amended hereby, the Existing Property Access Agreement remains in full force and effect as originally executed. All rights and obligations of the Parties thereunder that are not expressly amended hereby shall remain unchanged.

5. Counterparts; Electronic Signatures. This Agreement may be executed in counterparts, and it shall not be necessary that the signatures of all parties hereto be contained on any one counterpart hereof; each counterpart shall be deemed an original, but all of which together shall constitute one and the same instrument. Electronic signatures shall be deemed original signatures for the purposes of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the date first above written.

**METRO:**

Los Angeles County Transportation Authority

By: (b) (6) \_\_\_\_\_

Name: Velma C. Marshall

Title: Deputy Executive Officer

Date: August 28, 2020

**GOVERNMENT:**

UNITED STATES OF AMERICA, and its assigns

By: (b) (6) \_\_\_\_\_

Name: Matthew Leddy

Title: Acting Director Real Property Policy and Programs

Date: August 31, 2020

**EXHIBIT A**  
**DESCRIPTION OF PROPERTY**

PARCEL B: 4365-008-904

A PARCEL OF LAND SITUATE IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT CERTAIN PARCEL OF LAND MARKED "SOLDIERS HOME 300 ACRES" ,AS SHOWN ON MAP OF THAT PORTION OF THE RANCHO SAN VICENTE SANTA MONICA, KNOWN AS THE VILLA FARMS, RECORDED IN BOOK 70, PAGE 54, ET SEQ., MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID LAND ALSO DESCRIBED IN DEED RECORDED IN BOOK 1122, PAGE 263 OF OFFICIAL RECORDS.

EXCEPT THERE FROM THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF WILSHIRE BOULEVARD, 100 FEET WIDE, AS DESCRIBED IN A DEED RECORDED IN BOOK 7317 PAGE 371 OF OFFICIAL RECORDS, WITH THE NORTH EASTERLY LINE OF FEDERAL AVENUE, 40 FEET WIDE, AS SHOWN ON COUNTY SURVEYOR'S FILED MAP NO. 10261 ON FILE IN THE OFFICE OF THE COUNTY SURVEYORS OF SAID COUNTY; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 35°24'41" EAST 50.56 FEET TO THE SOUTHEASTERLY LINE OF SAID WILSHIRE BOULEVARD; THENCE ALONG SAID SOUTHEASTERLY LINE NORTH 46°02'10" EAST 78.88 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE NORTH 46°02'10" EAST 44.33 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 500.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°26'25", AN ARC DISTANCE 326.73 FEET; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE NORTH 08°35'45" EAST 128.57 FEET; TO THE BEGINNING OF A TANGENT 950.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°39'49" AN ARC LENGTH OF 60.75 FEET; THENCE SOUTH 35°24'39" EAST 657.18 FEET; THENCE SOUTH 54°34'21" WEST 500.00 FEET TO THE NORTHEAST RIGHT OF WAY LINE OF FEDERAL AVENUE; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 35°24'14" WEST 68.73 FEET; THENCE NORTH 24°39'09" WEST 203.58 FEET; THENCE NORTH 35°24'41" WEST 100.00 FEET TO THE TRUE POINT OF BEGINNING AND AS SHOWN AS U.S. AIR FORCE AREA ON SHEET (3) OF RECORD OF SURVEY AS RECORDED IN BOOK 180 PAGES 59 TO 63 INCLUSIVE, OF RECORDS OF SURVEYS (COURSES CITED HEREON ARE IN TERMS OF SAID RECORD OF SURVEY), AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF WILSHIRE BOULEVARD, 100 FEET WIDE, AS DESCRIBED IN A DEED RECORDED IN BOOK 7317 PAGE 371 OF OFFICIAL RECORDS, WITH THE NORTHEASTERLY LINE OF FEDERAL AVENUE, 40 FEET WIDE, AS SHOWN ON COUNTY SURVEYOR'S FILED MAP NO. 10261 ON FILE IN THE OFFICE OF THE COUNTY SURVEYORS OF SAID COUNTY; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 35°24'41" EAST 50.56 FEET TO THE SOUTHEASTERLY LINE OF SAID WILSHIRE BOULEVARD; THENCE ALONG SAID SOUTHEASTERLY LINE NORTH

46°02'10" EAST 78.88 FEET; THENCE SOUTH 35°24'41" EAST 100.00 FEET; THENCE SOUTH 24°39'09" EAST 203.58 FEET TO A LINE PARALLEL WITH SAID AND DISTANT NORTHEASTERLY 40 FEET FROM THE CENTERLINE OF FEDERAL AVENUE, MEASURED AT RIGHT ANGLES; THENCE ALONG SAID PARALLEL LINE SOUTH 35°24'41" EAST 68.73 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 54°35'21" EAST 400 FEET; THENCE SOUTH 35°24'39" WEST 545.00 FEET; THENCE SOUTH 54°35'21" WEST 400.00 FEET TO THE NORTHEAST RIGHT OF WAY LINE OF FEDERAL AVENUE; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 35°24'41" WEST 545.00 FEET TO THE TRUE POINT OF BEGINNING AND AS SHOWN AS U.S. ARMY AREA ON SHEET (4) OF RECORD OF SURVEY AS RECORDED IN BOOK 180 PAGES 59 TO 63 INCLUSIVE, OF RECORDS OF SURVEYS (COURSES CITED HEREON ARE IN TERMS OF SAID RECORD OF SURVEY), AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF WILSHIRE BOULEVARD, 100 FEET WIDE, AS DESCRIBED IN A DEED RECORDED IN BOOK 7317 PAGE 371 OF OFFICIAL RECORDS, WITH THE NORTHEASTERLY LINE OF FEDERAL AVENUE, 40 FEET WIDE, AS SHOWN ON COUNTY SURVEYOR'S FILED MAP NO. 10261 ON FILE IN THE OFFICE OF THE COUNTY SURVEYORS OF SAID COUNTY; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 35°24'41" EAST 50.56 FEET TO THE SOUTHEASTERLY LINE OF SAID WILSHIRE BOULEVARD; THENCE ALONG SAID SOUTHEASTERLY LINE NORTH 46°02'10" EAST 78.88 FEET; THENCE SOUTH 35°24'39" EAST 100.00 FEET; THENCE SOUTH 24°39'09" EAST 203.58 FEET TO A LINE PARALLEL WITH AND DISTANT NORTHEASTERLY 40 FEET FROM THE CENTERLINE OF FEDERAL AVENUE, MEASURED AT RIGHT ANGLES; THENCE ALONG SAID PARALLEL LINE SOUTH 35°24'41" EAST 613.73 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 54°35'21" EAST 400 FEET; THENCE SOUTH 35°24'39" EAST 421.80 FEET TO THE SOUTHERLY BOUNDARY LINE OF SAID "SOLDIERS HOME" AS SAID SOUTHERLY BOUNDARY WAS ESTABLISHED BY THE DEED TO SANTA MONICA LAND & WATER COMPANY RECORDED ON MAY 24, 1900 AS INSTRUMENT NO. 41 IN BOOK 1369 PAGE 104 OF DEEDS; THENCE ALONG SAID BOUNDARY LINE SOUTH 54°34'52" WEST 400.00 FEET TO THE NORTHEAST RIGHT OF WAY LINE OF FEDERAL AVENUE; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 35°24'41" WEST 421.86 FEET TO THE TRUE POINT OF BEGINNING, AND AS SHOWN AS CALIFORNIA NATIONAL GUARD AREA ON PAGE (4) OF RECORD OF SURVEY AS RECORDED IN BOOK 180 PAGES 59 TO 63 INCLUSIVE, OF RECORDS OF SURVEYS (COURSES CITED HEREON ARE IN TERMS OF SAID RECORD OF SURVEY), AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND AS SAID LAND IS DESCRIBED IN QUITCLAIM DEED RECORDED JANUARY 30, 1961, AS INSTRUMENT NO. 1381 OF OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPT PORTION SAID LAND LYING WITH CASTLE GARDEN TRACT, AS PER MAP RECORD IN BOOK 6, PAGE 192 OF MAPS.

ALSO EXCEPT ANY PORTION OF SAID LAND INCLUDED WITHIN THE LINES OF THE LAND CONVEYED BY DEED RECORDED MAY 21, 1907, AS INSTRUMENT NO. 99 IN BOOK 3030, PAGE 294 OF DEEDS.

ALSO EXCEPT PORTION OF SAID LAND INDICATED AS UNITS VI, VII, VIII, AND IX, IN DEED OF EASEMENT, RECORDED JUNE 08, 1955 IN BOOK 48006, PAGE 269 OF OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPT PORTION OF SAID LAND DESCRIBED IN DEED RECORDED MAY 31, 1957 IN BOOK 54658, PAGE 262 OF OFFICIAL RECORDS

ALSO EXCEPT PORTION OF SAID LAND DESCRIBED AS PARCEL 1 IN EXHIBIT A IN QUIT CLAIM DEED RECORDED JULY 07, 2010 AS DOCUMENT NUMBER 20100925079 OF OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPT PORTION OF SAID LAND DESCRIBED AS PARCEL 1 IN EXHIBIT A IN QUITCLAIM DEED RECORDED JULY 07, 2010 AS DOCUMENT NUMBER 20100925067 OF OFFICIAL RECORDS OF SAID COUNTY.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND CONVEYED TO THE STATE OF CALIFORNIA IN DEED RECORDED JULY 27, 2004, AS INSTRUMENT NO. 04-1921091, OF OFFICIAL RECORDS.

**EXHIBIT B-1**  
**PRELIMINARY CONSTRUCTION ACTIVITIES**

Subject to the terms of this Agreement, the activities and services described in this Exhibit B-1 relating to Preliminary Construction Activities may be performed on Metro's behalf by Metro, Metro's Contractor(s), or their Subcontractors.

1. Construction staging and site mobilization.
2. Installation of curb cuts, temporary roadways, construction surface and driveways.
3. Installation of directional signs and project identity signage.
4. Mobilization of equipment (cranes, excavator, etc.).
5. Erection of fencing, gates, and noise barrier walls.
6. Clearing and grubbing.
7. Installation of storm drain relocation and USAR connections including trenching and shoring.
8. Installation of temporary site utilities – water, sewer, drainage (LID, SUSMP), power (duct, switchgear).
9. Site grading including removal of surface material or backfill to obtain drainage slopes.
10. Installation of site Lighting and foundations.
11. Site security provisions, including guard booths.
12. Installation of dewatering wells, pumps, and instrumentation.
13. Installation of electrical generators, electrical switchgear, trenching for power cables and associated work.
14. Installation of site offices, dry house including foundations.
15. Other temporary construction equipment and facilities.
16. Installation of temporary support-of-excavation piles for the Tail Track Exit Shaft.
17. Excavation of the temporary Tail Track Exit Shaft and installation of excavation support systems.
18. Installation of temporary support-of-excavation piles for the Station End Walls.

**(b) (5)**

## EXHIBIT B-2 SITE MAP

Subject to the terms and Agreement, the Preliminary Construction Activities are limited to Area A, Area B, Area C, and Area D and which are depicted in the Site Map shown below.

