

**RESOLUTION NO. \_\_\_\_\_**

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

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**RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND ATC HOLDING, INC. FOR RIGHT OF WAY AND POWER SERVICES AT THE NORTH PEAK OF MONTARA MOUNTAIN, IN UNINCORPORATED SAN MATEO COUNTY.  
(NO. 1016)**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, on August 14, 2001 the County of San Mateo and ATC Holding, Inc., as authorized by Resolution No. 64673, entered into an Agreement for Right of Way and Power Services at the North Peak of Montara Mountain, unincorporated San Mateo County, granting access rights and power usage to the County; and

**WHEREAS**, the parties wish to amend the Agreement to extend the term for an additional five years through July 31, 2011, with one option to extend for five years to July 31, 2016, at a monthly rate of \$900.00, which will increase 4% annually on the anniversary date, and to delete the mutual termination clause; and

**WHEREAS**, this Board has been presented with the First Amendment to Agreement and has examined and approved same as to both form and content and desires to enter into same.

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** that the President of this Board of Supervisors be, and is hereby, authorized and directed to execute said First Amendment to Agreement for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signature thereto; and

**IT IS FURTHER DETERMINED AND ORDERED** that the County Manager or designee is hereby authorized to accept or execute on behalf of the County, any and all notices, options, consents, approvals, terminations and documents in connection with the Amendment and the Agreement, except as otherwise provided by applicable law, including the County's Ordinance Code and Charter.

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