

Appendix 1013

**WATER: CALIFORNIA
SAN DIEGO, OCTOBER 29, 1946**

NAVY DEPARTMENT
BUREAU OF YARDS AND DOCKS

SUPPLEMENTAL AGREEMENT NO. 2

**MODIFICATION OF CONTRACT NOY-13300 WITH THE CITY OF SAN
DIEGO, CALIFORNIA**

Whereas a negotiated contract dated October 17, 1945, between the United States of America (hereinafter called the Government) represented by the Chief of the Bureau of Yards and Docks, Navy Department, Washington, D. C., and The City of San Diego, California (hereinafter called the City) provides for the construction by the Government of a steel and concrete aqueduct running from a connection with the Colorado River Aqueduct of The Metropolitan Water District of Southern California near the west portal of the San Jacinto Tunnel, Riverside County, to San Vicente Reservoir, San Diego County, and further provides for the delivery of possession of said aqueduct to the City under certain lease conditions as specified in said contract; and

Whereas this contract further provides, in Article 1, Section (a) that the Aqueduct project shall include the entire structure and appurtenances thereto, together with the rights in real property acquired by the Government for its construction or operation, and also provides, in Article 1, Section (b) (ii) that title to the Aqueduct shall remain in, and title to all replacements and improvements thereto made during the life of the lease shall vest in, the Government, and finally provides for the acquisition by the City of title to said Aqueduct as so defined under the provisions set out in Article 1, Section (b) (iv); and

Whereas a Stipulation for Judgment as to Parcels 1-A and 1-B only has been entered into by the Government and The Metropolitan Water District of Southern California in that condemnation action entitled, "United States of America, Plaintiff, vs. 78 Parcels of Land in the County of Riverside, State of California; The Metropolitan Water District of Southern California, a municipal corporation, et al., Defendants, No. 4880-WM-Civil," in the District Court

of the United States in and for the Southern District of California, Central Division, and said Stipulation and Final Judgment and Decree thereon were filed in said action on July 3, 1946; and

Whereas by said Stipulation for Judgment and said Final Judgment and Decree in Condemnation it is adjudged that title to the transition and diversion structures to be constructed by the Government at the west portal of the San Jacinto Tunnel of The Metropolitan Water District of Southern California, pursuant to the provisions of the temporary easement therein described and defined as Parcel 1-B, will not vest in the Government but will vest in The Metropolitan Water District of Southern California; and

Whereas the City by Resolution No. 83328 of its council on May 30, 1946, has concurred in this Stipulation for Judgment and Final Judgment and Decree in Condemnation and approves this vesting of title to said transition and diversion structures in The Metropolitan Water District of Southern California;

Now, therefore, it is hereby mutually agreed between the Government and the City that the aforesaid contract be modified by adding to Article 1, Section (b) a new subsection (vi) as follows:

“(vi) For the purpose of determining the true cost and/or purchase price the Aqueduct shall include the transition and diversion structures constructed by the Government at the west portal of the San Jacinto Tunnel of The Metropolitan Water District of Southern California, upon land of said District, pursuant to the provisions of the temporary easement described and designated as Parcel 1-B in the condemnation action entitled, ‘United States of America, Plaintiff, vs. 78 Parcels of Land in the County of Riverside, State of California; The Metropolitan Water District of Southern California, a municipal corporation, et al., Defendants, No. 4880-WM-Civil,’ in the District Court of the United States in and for the Southern District of California, Central Division; but for the purpose of delivering possession to the City, of retention of title in the Government and of conveyance of title to the City, the Aqueduct shall not include the said transition and diversion structures, and title to the said transition and diversion structures shall vest, be, and remain, in the said District.”

In witness whereof the parties hereto have executed this contract this 29th day of October 1946.

UNITED STATES OF AMERICA,
By R. H. MEADE (CEC), USN,
(For the Chief of the Bureau of
Yards and Docks, acting under
the direction of the Secretary
of the Navy.)

D. W. P.
THE CITY OF SAN DIEGO,
By F. A. RHODES, *City Manager*.

Attest:

[SEAL]

Approved as to form:

FRED W. SICK, *City Clerk*.

J. F. DUPAUL, *City Attorney*.

The foregoing Modification of Contract NOy-13300 is approved.

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA,
By J. M. GAYLORD, *Chief Electrical Engineer*.
C. C. C.

Attest:

[SEAL]

Approved as to form:

A. L. GRAM, *Executive Secretary*.

JAMES H. HOWARD, *General Counsel*.