

**AMENDMENT NO. 1
TO ENGAGEMENT FEE AGREEMENT**

**Murphy & Evertz
Special Legal Services**

This Amendment No. 1 to Engagement and Fee Agreement is made and entered into as of 10/22/2024, by and between the City of Lake Elsinore, a municipal corporation ("City") and Murphy & Evertz LLP, a California limited liability partnership ("Firm").

RECITALS

A. The City and Firm entered into that certain Engagement and Fee Agreement dated as of 2/27/2024 for Special Eminent Domain Counsel in connection with acquisition of real properties identified by the City from time to time (the "Original Agreement"). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings set forth for such terms in the Original Agreement.

B. By Resolution No. _____ dated July 9, 2024, the City Council authorized the City Attorney to retain the Firm to represent the City in connection with the condemnation of certain easements necessary for the Murietta Creek Trail project.

C. The Original Agreement provided for compensation for services in an amount not to exceed \$30,000 which amount was increased to \$50,000 by City Council Resolution No. _____.

D. The Firm has performed legal services pursuant to the Original Agreement and Resolution No. _____ and City desires Firm to continue to provide legal services requested by City which may include precondmenation planning, consultation and condemnation litigation, including strategic and tactical advice, court appearances, discovery, pleadings and other representation up to and including trial as set forth in this Amendment No 1.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, City and Firm agree as follows:

1. The last paragraph of Section 3, Fees and Expenses, of the Original Agreement is deleted in its entirety. Except for this change, all other terms and conditions of the Original Agreement shall remain in full force and effect and legal services will be provided by Firm to City in accordance with the terms and conditions thereof.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 1 to be executed on the respective dates set forth below.

"CITY"

City of Lake Elsinore, a municipal corporation

"FIRM"

Murphy & Evertz, LLP

City Manager

Douglas J. Evertz

Date: _____

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney