

## SECOND AMENDMENT TO ENVIRONMENTAL IMPACT REPORT FUNDING AGREEMENT

This second amendment (this "Second Amendment") to the Environmental Impact Report Funding Agreement dated April 17, 2007 (the "Agreement") by and between the City of Redlands, a municipal corporation (hereinafter "City"), and Wal-Mart Stores, Inc., (hereinafter "Applicant"), is made and entered into this 3rd day of February, 2009.

### RECITALS

WHEREAS, City has received notice from its environmental consultant for Applicant's project that it will be necessary to update the traffic and urban decay studies, revise the existing Notice of Preparation ("NOP") and recirculate the NOP for public review as a result of revisions to the project description; and

WHEREAS, such additional work will correspondingly result in an increase in costs for preparation of the environmental documents associated with Applicant's project; and

WHEREAS, it is the desire of City and Applicant to amend Section 1 of their Agreement, entitled "Funding Obligation," to address the increased costs associated with the environmental documents being prepared for Applicant's Project.

NOW, THEREFORE, City and Applicant agree as follows:

### AGREEMENT

Section 1. Section 1 of the Agreement between City and Applicant is hereby amended to read as follows:

"Section 1. Funding Obligation. Within ten (10) days of the date of written request of City, Applicant shall deposit the sum of One Hundred Ninety-Three Thousand Seven Hundred Sixty Dollars (\$193,760.00) (the "Deposit") with City to engage the consultant who will commence work on the EIR. The estimated cost of the EIR is Four Hundred Ninety-Four Thousand Seven Hundred Sixty Dollars (\$494,760.00) which includes the sum of Four Hundred Twelve Thousand Three Hundred Dollars (\$412,300.00) as the estimated fee for the consultant's work and the sum of Eighty-Two Thousand Four Hundred Sixty Dollars (\$82,460.00) as the estimated administrative costs which will be incurred by City. The Deposit will be applied towards the total cost of the EIR. Applicant shall thereafter make payments to City for the balance of all other costs and expenses for preparation of the EIR within ten (10) days of the date City submits written invoices to Applicant."

Section 2. All other provisions of the Agreement shall remain in full force and effect.

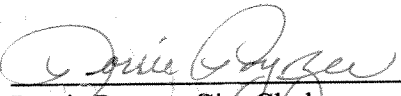
IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment, to be effective as of February 3, 2009.

CITY OF REDLANDS

By:   
Jon Harrison, Mayor

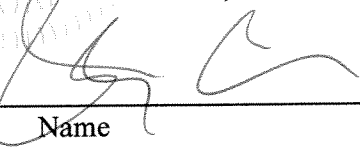
Date 2-3-09

ATTEST:

  
Lorrie Poyzer, City Clerk

Date 2-3-2009

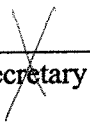
WALMART STORES, INC.

By:   
Name

Date 2-2-09

Title: Regional Vice President

ATTEST:

By:   
Secretary

Date \_\_\_\_\_