

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

435B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
August 9, 2005

SUBJECT: Eastvale MDP Line B, Stage 2
Project No. 2-0-0303, Tract No. 30893, 30893-1 and 30933
Amended and Restated Cooperative Agreement

RECOMMENDED MOTION:

Approve the Amended and Restated Cooperative Agreement (Agreement) between the District, the County of Riverside and Trimark Pacific Cimarron, LLC (Developer); and authorize the Chairman to execute the agreement documents on behalf of the District.

BACKGROUND:

The Board approved original Cooperative Agreement on October 19, 2004 establishing the terms and conditions by which the Eastvale Master Drainage Plan Line B storm drain was to be constructed by the Developer and inspected, operated and maintained by the District and the County. Additionally, this

(continued)

Warren D. Williams
WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

H. Duggan
County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

ep't Recomm.:
or Exec. Ofc.:

Prev. Agn. Ref.: **District:** 2nd **Agenda Number:**

11.2

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BACKGROUND: (continued)

agreement stipulated that by constructing the Line B facility the Developer would earn Eastvale Area Drainage Plan (ADP) Fee Credits in the amount of \$1,296,500.00 and that the Developer could transfer portions of its earned ADP Fee Credits to certain other properties that are served by the Line B facility. The Amended and Restated Agreement stipulates that the Developer may transfer portions of its earned ADP Fee Credits to certain other properties that were not identified in the original agreement but that are serviced by the Line B system. The distribution of the Developer's earned ADP Fee Credits is given below.

EASTVALE ADP FEE CREDIT DISTRIBUTION		
EASTVALE MDP LINE B, STAGE 2;		PROJECT NO. 2-0-0303-02
PARTY	TRACT NOS.	AMOUNT
Trimark	30893, 30893-1	\$310,554.97
Trimark	30933	\$155,277.48
Corona Farms	31526	\$77,660.35
Pulte	31803	\$287,174.75
Capital Pacific	31622	\$209,644.05
Capital Pacific	31931	\$100,867.70
MBK Homes	30896	\$155,320.70
TOTAL		\$1,296,500.00

Upon completion of construction, the District will assume ownership, operation and maintenance of the Line B storm drain and the County will assume ownership, operation and maintenance of the associated catch basins and connector pipes.

This matter is also on the County's Board Agenda this same date and County Counsel has approved the Agreement as to legal form.

FINANCIAL:

The Developer is funding all construction and construction inspection costs. Future operation and maintenance costs will accrue to the District.

MHW:bj