

602B

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



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
December 5, 2006

SUBJECT: Winchester Hills - Line 2, Stage 2
Project No. 4-0-00576-02; Tract No. 31142
Cooperative Agreement

RECOMMENDED MOTION:

Approve the Cooperative Agreement between the District, the County of Riverside and Ashbrook West Prairie Crossing, L.P. (Developer); and authorize the Chairman to execute the Agreement documents on behalf of the District.

BACKGROUND:

The Agreement sets forth the terms and conditions by which certain flood control facilities, required as a condition for approval of Tract No. 31142, are to be constructed by the Developer and inspected, operated and maintained by the District and County.

Continued on Page 2

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:

County Executive Office Signature

APPROVE

- Dept't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District: 3rd

Agenda Number:

11.2

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

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BACKGROUND:

Winchester Hills Line 2, Stage 2 is among those identified in the County's proposed Community Facilities District (CFD) No. 05-04 (Winchester Hills) and are included in a separate Joint Community Facilities Agreement (JCFA), by and between the District, County, Developer and others including i) Lennar Homes of California, Inc., a California corporation, ii) BSC Winchester Hills 260, LLC, a California limited liability company, iii) TMC Menifee, LLC, a Delaware limited liability company, iv) Rancon Winchester Valley 85, LLC, a California limited liability company, v) Rancon Winchester Valley 200, LLC, a California limited liability company, vi) A.C. Newport, LLC, a California limited liability company, vii) SF 150 LLC, a California limited liability company, and viii) Barratt American Incorporated, a Delaware corporation, that was executed on October 24, 2006.

The subject agreement establishes the terms and conditions by which the District will approve plans and inspect construction of the referenced facilities associated with Tract No. 31142. Upon completion of the facilities construction, the District will assume ownership, operation and maintenance of the basin and mainline storm drains. The County will assume ownership, operation and maintenance of the associated catch basins, laterals and connector pipes located within its rights of way.

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

The Developer is advancing all construction and construction inspection costs. Upon formation of the proposed Winchester Hills CFD and the sale of bonds, the Developer will be reimbursed by the CFD for its eligible construction costs. Future operation and maintenance costs will accrue to the District.

JPS:blj