

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

716A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
 April 22, 2010

SUBJECT: First Amendment to the Joint Use Agreement between the County of Riverside Transportation Department (County) and the San Bernardino County Flood Control District (District) for the construction, operation and maintenance of the Cucamonga Creek Channel and Bridge at Schleisman Road located in Riverside County.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment No. 1 to the Joint Use Agreement between the County of Riverside Transportation Department and the San Bernardino County Flood Control District and;
2. Authorize the Chairman to execute the same.

Juan C. Perez
 Director of Transportation

AF
 (Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS: None	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY:
 Tina Grande

County Executive Office Signature

☒ Policy
☒ Policy

☐ Consent
☐ Consent

Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref. 3/18/08, 3.35 | District: 2 | Agenda Number:

3.70

The Honorable Board of Supervisors

RE: First Amendment to the Joint Use Agreement between the County of Riverside Transportation Department (County) and the San Bernardino County Flood Control District (District) for the construction, operation and maintenance of the Cucamonga Creek Channel and Bridge at Schleisman Road located in Riverside County.

April 22, 2010

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BACKGROUND: Pulte Homes, the developer of Tract 31803 on the north side of Schleisman Road, has completed the north half of the bridge. Shea Homes, the developer of Tract Maps 31826 and 31826-1, is now constructing the south half of the bridge crossing over San Bernardino Flood Control District's Cucamonga Creek as part of their development and as conditioned by the County. The County of Riverside agrees to operate and maintain all road and bridge improvements for the whole bridge existing north and the new south halves, while the District agrees to maintain all flood control improvements and their appurtenances thereto lying below the soffit of the deck structure of the bridge improvements.

The Transportation Department has reviewed this amendment and recommends it for approval.

There are no direct costs associated with the execution of the Joint Use Agreement amendment. The County will have ongoing costs associated with the bridge maintenance.

The agreement amendment has been reviewed and approved by County Counsel.

This action amends Riverside County Transportation Department Contract #08-01-012 approved March 18, 2008 for the north side to include the south side of Schleisman Road.

The San Bernardino County Flood Control District approved this Agreement Amendment on January 26, 2010.

The Riverside County project numbers are MS 4048 (IP050140), TRACT 31826-1 (IP050236), and TRACT 31826 (IP050237).



San Bernardino County
FLOOD CONTROL DISTRICT

F A S

STANDARD CONTRACT

FIRST AMENDMENT

Contract No. 08-01-012 A1
Riverside Co. Transportation

OFFICIAL USE ONLY

<input type="checkbox"/> New <input checked="" type="checkbox"/> Change <input type="checkbox"/> Cancel	Vendor Code	SC	Dist. A	Contract Number 07-1096 A-1		
Flood Control District Right-of-Way Section, Flood Control District Flood Control District			Dist. Orgn.	Contractor's License No.		
Contract Representative William C. Collins, P.E.			Telephone 387-7962	Total Contract Amount \$0.00		
Contract Type <input type="checkbox"/> Revenue <input type="checkbox"/> Encumbered <input type="checkbox"/> Unencumbered <input checked="" type="checkbox"/> Other:						
If not encumbered or revenue contract type, provide reason:						
Commodity Code		Contract Start Date	Contract End Date	Original Amount	Amendment Amount	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount
						\$0.00
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount
Project Name Cooperative Agreement Bridge over Cucamonga Creek, Tracts 31803,31826 31826-1			Estimated Payment Total by Fiscal Year			
			FY	Amount	I/D	FY Amount I/D

THIS CONTRACT is entered into in the State of California by and between the San Bernardino County Flood Control District, hereinafter called the District, and

Name

County of Riverside Transportation Department

Address

4080 Lemon Street, 8th Floor, P.O. Box 1090

Riverside, CA 92502-1090

Telephone

(951) 955-6527

Federal ID No. or Social Security No.

hereinafter called COUNTY

IT IS HEREBY AGREED AS FOLLOWS:

AMENDMENT NO. 1

The San Bernardino County Flood Control District, hereinafter called "DISTRICT" and the County of Riverside Transportation Department, hereinafter called "COUNTY", herein agree as follows:

WITNESSETH

WHEREAS, the COUNTY and the DISTRICT entered into an agreement dated March 18, 2008, DISTRICT Contract No. 07-1096 ("the Contract"), for the purpose of setting forth the rights, responsibilities and liabilities as they pertain to the operation and maintenance of the bridge crossing (BRIDGE) of Cucamonga Creek Channel (CHANNEL) at Schleisman Road and the area shown on the original Exhibit "A" (AREA OF COMMON USE); and

**1 Auditor/Controller-Recorder Use
Only**

<input type="checkbox"/> Contract Database	<input type="checkbox"/> FAS
Input Date	Keyed By

WHEREAS, it is the intent of both parties that the AREA OF COMMON USE described in the Contract also include DISTRICT land on the south side of Schleisman Road for the newly constructed improvements and any future improvements, as shown on the attached revised EXHIBIT "A".

NOW, THEREFORE, it is hereby agreed to amend the Contract, as follows:

- 1. REPLACE the Contract's EXHIBIT "A" with the attached revised EXHIBIT "A".

All other terms and conditions of the Contract shall remain in full force and effect.

This Amendment No. 1 to the Contract shall take effect on the date it is approved by both parties.

END OF AMENDMENT NO. 1

SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
By *Gary C. Ovitt*
Gary C. Ovitt, Chairman, Board of Directors

COUNTY OF RIVERSIDE

By _____

Dated: JAN 26 2010

Name _____
(Print or type name of person signing contract)

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Title _____
(Print or Type)

Dated: _____

By *Jennifer H. Welch*
Jennifer H. Welch, Clerk of the Board of Directors
San Bernardino County Flood Control District


Address _____

Approved as to Legal Form
By *Scott*
County Counsel
Date 1-4-10

Reviewed by Contract Compliance
By *David R. Doublet*
Date 1/5/10

Presented to BOS for Signature
By *[Signature]*
Department Head
Date 1/5/10

Riverside
FORM APPROVED COUNTY COUNSEL
BY: *Victor* 4/28/10
MARSHAL VICTOR DATE

EXHIBIT "A"

SAN BERNARDINO COUNTY
FLOOD CONTROL DISTRICT

Agreement Plat

