

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

104B



FROM: TLMA - Transportation Department

SUBMITTAL DATE:  
June 10, 2010

SUBJECT: Amendment Two to Access Permit between the Orange County Water District and the County of Riverside

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve Amendment Two to Access Permit between the County Transportation Department and the Orange County Water District;
2. Authorize the Chairman to execute the same.

BACKGROUND: On November 21, 1995, the Board approved an Access Permit with the Orange County Water District (OCWD) that allowed the Department to access OCWD land and remove material deposited under and around the River Road Bridge. On June 27, 2000, the Board approved an extension of the Permit until February 15, 2005. On May 10, 2005, the Board approved Amendment One to extend the Access Permit until February 28, 2010 and require the Department's contractor to add OCWD as an additional insured. Amendment Two would extend the Permit until June 30, 2011 to coincide with the completion of construction of the replacement bridge at River Road. All other terms of the Permit remain the same.

The proposed improvements include sand and debris removal which facilitates construction of the new River Road four lane road and bridge. Construction of the new River Road Bridge is expected to be complete in the Spring of 2011.

Juan C. Perez  
Director of Transportation

JCP:mz

REVIEWED BY EXECUTIVE OFFICE  
 DATE: 6/10/10 TMG  
 Tina Grande  
 DATE: 6-7-10  
 Departmental Concurrence  
 FORM APPROVED COUNTY COUNSEL  
 BY: Cynthia M. Gunzel  
 SYNTHIA M. GUNZEL

Policy

Consent

Dept's Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref. 11/21/95: 4.3  
6/27/00: 2.39  
5/10/05: 2.9

District: 2

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

2.15

**AMENDMENT TWO TO ACCESS PERMIT**

ORIGINAL  
Contract No. 95-11-19 A2  
Riverside Co. Transportation

**THIS AMENDMENT** is made and entered into this 7th day of April 2010 by and between the **ORANGE COUNTY WATER DISTRICT**, a political subdivision of the State of California (hereinafter, the "District") and the **COUNTY OF RIVERSIDE, TRANSPORTATION AND LAND MANAGEMENT AGENCY** (hereinafter, the "Permittee").

**RECITALS**

**WHEREAS**, on November 5, 1995, the District and Permittee entered into an Access Permit (hereinafter, the "Permit") to allow the Permittee to access District land at River Road, in Prado Basin to excavate sand, silt, brush, logs and other debris from the Santa Ana River Channel, 1,000 feet northerly or southerly of the centerline of the bridge for the purpose of protecting the bridge from damage due to flooding;

**WHEREAS**, on May 17, 2000, the Permit was extended to a new Expiration Date of February 15, 2005;

**WHEREAS**, on March 2, 2005, the Permit was extended to a new Expiration Date of February 28, 2010 and Paragraph 2.1 (Use of Premises) was revised to allow the Permittee or its contractors to enter the river channel to inspect and repair River Road Bridge; and

**WHEREAS**, Permittee has requested that the Permit be extended to a new Expiration Date of June 30, 2011 to coincide with the construction of the River Road Bridge.

**NOW, THEREFORE**, in consideration of the matters set forth in the foregoing recitals and the terms, covenants and conditions hereinafter contained, the parties do hereby agree as follows:

1. Permit Section One (Term), Paragraph 1.1 (Term of Permit), is hereby revised as follows:

The Permit Expiration Date is hereby extended to a new Expiration Date of June 30, 2011.

2. Each and every other term, covenant and condition of this Permit not herein expressly modified is hereby ratified and confirmed and shall remain in full force and effect.

**[SIGNATURES ON NEXT PAGE]**

IN WITNESS WHEREOF, the parties have executed this Permit as of the date first written hereinabove.

APPROVED AS TO FORM:

By: [Signature]  
General Counsel, Orange  
County Water District

**"DISTRICT"**

ORANGE COUNTY WATER DISTRICT

By: [Signature]  
Kathryn L. Barr, President

By: [Signature]  
Michael R. Markus P.E., General Manager

**"PERMITTEE"**

COUNTY OF RIVERSIDE, TRANSPORTATION  
AND LAND MANAGEMENT AGENCY

FORM APPROVED  
COUNTY COUNSEL

By: [Signature]  
Deputy County Counsel  
**SYNTHIA M. GUNZEL**

By: \_\_\_\_\_  
Chairman, Board of Supervisors  
of the County of Riverside

ATTEST:

Clerk of the Board

By: \_\_\_\_\_  
Kecia Harper-Ihem