

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

903A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
March 3, 2011

SUBJECT: Assignment and Assumption Agreement between the County of Riverside (County), and County Flood Control and Water Conservation District (District), and Lennar Spencer's Crossing, LLC (Assignor), and Riverside Mitland 03, LLC, Spencer's Crossing 103, LLC, and Richmond American Homes of Maryland, Inc. (Assignee) for the Warm Springs Valley-Evening Glow Drive Storm Drain, Stage 2

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Assignment and Assumption Agreement between the District and the County and the Assignor and the Assignee, and;

Patricia Romo

Juan C. Perez
Director of Transportation

Patricia Romo
Deputy Director of Transportation

FK:rg
(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:	2010/11

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

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: *MP VLLP40* 3/9/11
MARSHAL L. VICTOR DATE

Departmental Concurrence

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. | District: 3rd | Agenda Number: **3.31**

The Honorable Board of Supervisors

RE: Assignment and Assumption Agreement between the County of Riverside (County), and County Flood Control and Water Conservation District (District), and Lennar Spencer's Crossing, LLC (Assignor), and Riverside Mitland 03, LLC, Spencer's Crossing 103, LLC, and Richmond American Homes of Maryland, Inc. (Assignee) for the Warm Springs Valley-Evening Glow Drive Storm Drain, Stage 2

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2. Authorize the Chairman to execute the Agreement documents on behalf of the County.

BACKGROUND: The Agreement transfers the rights and responsibilities as established by the original Cooperative Agreement executed on January 10, 2006 (Board Agenda Item No. 11.13), from the Assignor to the Assignee. The Assignee will complete the construction of the drainage facilities necessary for Tract Nos. 30696-1, 30696-3 and 30696-4.

The Assignee will fund all construction and inspection costs.

The County Transportation Department is granting the Assignee the necessary rights-of-way to construct, the project within County road right-of-ways and, upon completion of project construction, the County will assume ownership, operation and maintenance of the Storm Drain Appurtenances, including catch basins, connector pipes and storm drain segments that are 36-inches or smaller in diameter. The District will be responsible for the operation and maintenance of the Storm Drain.

County Counsel has approved the Agreement as to legal form. A companion item appears on the Flood Control District's agenda this same date.