

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

181A



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
September 13, 2012

SUBJECT: Amendment 2 to the Project Development Cooperative Agreement No. 05-09-007 between the County of Riverside and the State of California for the Scott Road/I215 Interchange project

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Amendment 2 to the Project Development Cooperative Agreement between the County of Riverside and Caltrans, and;
2. Authorize the Chairman of the Board to execute the same.
3. Authorize the Director of Transportation and Land Management to execute administrative amendments within the funding amounts, and;

Juan C. Perez
Director of Transportation and Land Management

Departmental Concurrence

FORM APPROVED, COUNTY COUNSEL
BY: 488 Victor 9/13/12
DATE
MARSHAL VICTOR

jm:sv
(Continued On Attached Page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Y
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/2013

SOURCE OF FUNDS:

There are no General Funds used in this project.

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

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 10/18/05 (3.61)
10/27/09 (3.47)
6/17/12 (3.48)

ATTACHMENTS Agenda Number:
WITH THE CLERK OF THE BOARD

3.54

The Honorable Board of Supervisors

RE: Amendment 2 to the Project Development Cooperative Agreement No. 05-09-007 between the County of Riverside and the State of California for the Scott Road/I215 Interchange project
September 13, 2012

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4. Authorize the Director of Transportation and Land Management to approve the Agreement Closure Statement upon completion of the project.

BACKGROUND: The proposed project consists of widening Scott Road from west of Haun Road to east of Antelope Road, replacing the existing Scott Road overcrossing bridge at Interstate 215, reconfiguration of the on and off ramps, and the addition of freeway auxiliary lanes. This project will improve travel through the corridor and ease congestion caused by the recent increase in traffic volume.

On October 18, 2005 the County entered into a Project Development Cooperative Agreement with the California State Department of Transportation ('Caltrans') for preparation of environmental and design documents. The project environmental document was approved on December 2, 2010. A revalidation of the environmental document is currently in process, due to the additional improvements at Haun Road that were recently added to the project.

On October 27, 2009 the Board approved Amendment 1 to the Project Development Cooperative Agreement extending the termination date from December 31, 2009 to December 31, 2012.

Amendment 2 revises the Agreement to reflect current Caltrans practice to terminate the Agreement upon completion of the project tasks included in the Agreement by way of a signed Agreement Closure Statement, replacing the current date specific termination. Amendment 2 also adjusts the project limits on I-215 to reflect the current design.

Project No. B30689

08-Riv-215-KP R23.82/R26.07
(PM R14.8/R16.2)
Reconstruct Scott Road IC
In Riverside County north of the
City of Murrieta
EA 0A0200
District Agreement No. 8-1263 A/2
Project Number 0800000011

AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 TO AGREEMENT, ENTERED INTO EFFECTIVE ON _____, 2012, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE", and the

COUNTY OF RIVERSIDE, a political subdivision of the State of California, referred to herein as "COUNTY."

RECITALS

1. The parties hereto entered into an Agreement No. 8-1263 on March 7, 2006 defining the terms and conditions of improvements consisting of the reconstruction of the interchange overcrossing and ramps on Route 215 at Scott Road, north of Murrieta, in Riverside County, referred to herein as "PROJECT."
2. The parties hereto also entered into an Amendment No. 1 to Agreement on November 30, 2009, to extend the termination date from December 31, 2009 to December 31, 2012.
3. It has been determined that PROJECT will not be completed prior to the termination date of said Agreement.
4. It has also been determined that the Kilo Post (KP) and Post Miles (PM) on the original agreement need to be extended from KP R24.62/25.27 to KP R23.82/R26.07 (PM R15.3/15.7 to PM R14.8/R16.2) due to changes to preliminary alternatives during the Project Approval & Environmental Document phase.

IT IS THEREFORE MUTUALLY AGREED

1. The termination date specified in Article 16 of Section III of said Agreement is replaced in its entirety to read as follows:

“This Agreement will terminate upon completion of PROJECT that all parties have met all scope, cost, and schedule commitments included in this Agreement and have signed a cooperative agreement closure statement, which is a document signed by parties that verifies the completion of PROJECT.

However, all indemnification, document, retention, audit, claims, environmental commitment, legal challenge, hazardous material, operation, maintenance and ownership articles will remain in effect until terminated or modified in writing by mutual agreement.”

2. The Kilo Post (KP) and Post Miles (PM) shown on the original Agreement are hereby corrected to read KP R23.82/R26.07 (PM R14.8/R16.2).
3. All other terms and conditions of said Agreement shall remain in full force and effect.
4. This Amendment No. 2 to Agreement is hereby deemed to be a part of said Agreement.

SIGNATURES

Parties declare that:

1. Each Party is an authorized legal entity under California state law.
2. Each Party has the authority to enter into this agreement.
3. The people signing this agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

COUNTY OF RIVERSIDE

By: _____
Basem E. Muallem, P.E.
District Director

By: _____
Chairman, Board of Supervisors

CERTIFIED AS TO FUNDS:

Attest: _____
Clerk of the Board of Supervisors

By: _____
Lisa Pacheco
Budget Manager

APPROVED AS TO FORM AND
PROCEDURE:

By: *Janisha K. Kiefer 9/13/12*
Counsel