

FORM APPROVED COUNTY COUNSEL
 BY: GREGORY P. PRIAMOS DATE 9/18/15

Departmental Concurrence

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

271



FROM: Economic Development Agency

SUBMITTAL DATE:
 September 10, 2015

SUBJECT: Second Amendment to the Transportation Enhancement Activities Program Agreement, District 1, CEQA Exempt, [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), General Rule or "Common Sense" Exemption;
2. Approve the attached Second Amendment to the Transportation Enhancement Activities (TEA) Program Agreement Declaring Restrictive Covenants By and Between the County of Riverside and State of California, Department of Transportation within a portion of Assessor's Parcel Number 390-120-016;
3. Authorize the Chairman of the Board to execute this agreement on behalf of the County;

(Continued)

[Handwritten Signature]

Robert Field
 Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: N/A

Budget Adjustment: No
 For Fiscal Year: 2015/16

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Handwritten Signature]*
 Rohini Dasika

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 3-8 of 4/30/13

District: 1

Agenda Number

3-5

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

Economic Development Agency

FORM 11: Second Amendment to the Transportation Enhancement Activities Program Agreement, District 1, CEQA Exempt, [\$0]

DATE: September 10, 2015

PAGE: 2 of 2

RECOMMENDED MOTION: (Continued)

4. Authorize the Assistant County Executive Officer/EDA, or his designee, to execute any other documents and administer all actions necessary to complete this transaction; and
5. Direct the Clerk of the Board to file the Notice of Exemption within five days of approval by this Board.

BACKGROUND:

Summary

The County of Riverside (County) and the State of California, Department of Transportation (State) entered into a Transportation Enhancement Activities (TEA) Program Agreement Declaring Restrictive Covenants, Federal-Aid Project No: STPLEE-5956(154), dated January 21, 2005, recorded on April 8, 2005 in the Official Records of Riverside County, Instrument No. 2005-0278063, for the purpose of preserving and enhancing real property by permanently restricting uses required by the TEA Program.

On April 30, 2013, the County of Riverside (County) and the State of California, Department of Transportation (State) entered into a First Amendment to the TEA Program Agreement Declaring Restrictive Covenants, recorded on May 15, 2013, in the Official Records of Riverside County, Instrument No. 2013-0230662, for the purposes of modifying the use, management and maintenance responsibilities for a small portion of the real property for the proposed purpose of erecting and maintaining a landmark monument to identify the Temescal Gateway area and as part of the Temescal Valley Design Guidelines.

It has been determined that the proposed monument site is no longer needed for the Temescal Gateway and propose to rescind all modifications to the conditions and restrictions defined in the First Amendment.

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), General Rule or "Common Sense" Exemption because it can be seen with certainty that the Second Amendment to the TEA Program Agreement will not have a significant effect on the environment; it merely restores the terms and conditions of the Original TEA Program Agreement.

Impact on Citizens and Businesses

The rescinding of the proposed placement of a monument sign on land being reserved for conservation purposes will ensure that both citizens and business will enjoy and benefit from the creation and maintenance of open space for public benefit and quality of life.

The Second Amendment to the TEA Program Agreement and this Form 11 have been reviewed and approved by County Counsel as to legal form.

Attachments:

Second Amendment to TEA Program Agreement

Notice of Exemption

Map

1 **RECORDING REQUESTED BY AND**
2 **WHEN RECORDED MAIL TO:**

3 State of California
4 Department of Transportation, District 8
5 Office of Local Assistance
6 Attn: Sean Young, PE. DLAE
7 464 West Fourth Street
8 7th Floor, MS-7
9 San Bernardino, CA 92401

10 **WITH A CONFORMED COPY TO:**

11 County of Riverside
12 Economic Development Agency/
13 Facilities Management
14 Attn: Real Estate Division
15 3403 10th Street, Suite 400
16 Riverside, California 92501

17 CAO:lg/072915/182FM/17.428

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXEMPT FROM RECORDING FEES PURSUANT TO GOV. CODES §§6103
NO DOCUMENTARY TRANSFER TAX PURSUANT TO CALIFORNIA REVENUE & TAXATION CODE § 11922

18 **SECOND AMENDMENT TO THE**
19 **TRANSPORTATION ENHANCEMENT ACTIVITIES (TEA) PROGRAM**
20 **AGREEMENT DECLARING RESTRICTIVE COVENANTS**
21 **BY AND BETWEEN**
22 **THE COUNTY OF RIVERSIDE**
23 **AND STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION**

24 This Second Amendment ("Second Amendment") to the Transportation Enhancement Activities
25 (TEA) Program Agreement Declaring Restrictive Covenants, is made effective this _____ day of
26 _____, 2015 by and between the COUNTY OF RIVERSIDE, a political subdivision of the
27 State of California, (County), hereinafter referred to as "APPLICANT", and STATE OF CALIFORNIA,
28 acting by and through the Department of Transportation (Caltrans), hereinafter referred to as "STATE".

RECITALS

A. APPLICANT and STATE have entered into that certain Transportation Enhancement
Activities (TEA) Program Agreement Declaring Restrictive Covenants, Federal-Aid Project No:
STPLEE-5956(154), ("Original Agreement"), dated January 21, 2005, recorded on April 8, 2005 in the
Official Records of Riverside County, Instrument No. 2005-0278063, for the purpose of preserving and
enhancing real property by permanently restricting uses required by the TEA Program.

1 B. Pursuant to the TEA Program, APPLICANT purchased and recorded the restrictions
2 thereupon certain unimproved land consisting of approximately 299.76 acres of land, ("REAL
3 PROPERTY"), with Assessor's Parcel Numbers 390-110-006 and 390-120-016, located in the County of
4 Riverside, California, as more particularly legally described in Exhibit "A" and depicted in Exhibit "B" in
5 the Original Agreement.

6 C. APPLICANT and STATE have entered into a certain First Amendment to the
7 Transportation Enhancement Activities (TEA) Program Agreement Declaring Restrictive Covenants,
8 Federal-Aid Project No: STPLEE-5956(154), ("First Amendment"), dated April 30, 2013, recorded on
9 May 15, 2013 in the Official Records of Riverside County, Instrument No. 2013-0230662, for the purpose
10 of modifying certain restrictions and uses required by the TEA Program.

11 D. The REAL PROPERTY is currently owned by the APPLICANT. Upon the STATE's
12 approval of the restoration of all restrictions and uses in this Second Amendment, APPLICANT intends to
13 transfer all fee simple ownership in the REAL PROPERTY to a public agency who has the power to hold
14 title to real property for conservation purposes and the TEA program. The small portion of the REAL
15 PROPERTY that consists of approximately 1,239 square feet, or 0.028 acres of land, ("MONUMENT
16 PROPERTY"), as more particularly legally described in Exhibit "A-1" and depicted in Exhibit "B-1" in
17 the First Amendment, is no longer needed for the proposed purpose of erecting and maintaining a
18 landmark monument to identify the Temescal Gateway area. A different site within the Temescal Valley
19 Area was deemed superior and selected to construct the landmark monument.

20 NOW, THEREFORE, in consideration of the mutual obligations in this Second Amendment and
21 for other good consideration, the receipt and sufficiency of which are acknowledged, the parties to this
22 Second Amendment do hereby agree as follows:

23 1. Effective Date. This Second Amendment will be effective as of the date it is written above.
24 In the event no date is written above, the effective date shall be the last execution date evidenced herein.

25 2. Any terms or conditions contained in the First Amendment shall be hereby be rescinded
26 upon the effective date of the Second Amendment.

27 3. All terms of the Original Agreement are effectively restored and shall remain in full force
28 and effect.

1 4. Upon execution of this Second Amendment by the parties, this Second Amendment shall
2 be acknowledged and recorded in the office of the County Recorder for the County of Riverside.

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4 (REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)
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1 IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to
2 execute this Amendment.

3
4 **STATE:**
5 STATE OF CALIFORNIA,
6 DEPARTMENT OF TRANSPORTATION

APPLICANT:
COUNTY OF RIVERSIDE, a political
subdivision of the State of California

7 By: René Fletcher

By: _____
Marion Ashley, Chairman
Board of Supervisors

8 Name: René Fletcher

Date: _____

9 Its: ACTING DEPUTY DISTRICT
DIRECTOR, RIGHT OF WAY

10 Date: 8-5-2015

ATTEST:
Kecia Harper-Ihem
Clerk of the Board

11
12 By: _____
13 Deputy

14
15 **APPROVED AS TO FORM:**
16 Gregory P. Priamos
17 County Counsel

18 By: Synthia M. Gunzel
Synthia M. Gunzel
Deputy County Counsel

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21
22
23
24 ATTACH NOTARY ACKNOWLEDGEMENTS

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Bernardino)

On 8-5-2015 before me, Shelley L Caldwell Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Rene Fletcher
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Shelley L Caldwell
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____



NOTICE OF EXEMPTION

July 20, 2015

Project Name: Second Amendment to the Transportation Enhancement Activities (TEA) Program

Project Number: FM0411100038

Project Location: Northerly of Interstate 15 and Walker Canyon Road, Westerly of Hill Top Drive, and Easterly of Lake Street; Assessor Parcel Numbers: 390-110-006 and 390-120-016 (See attached exhibits)

Description of Project: County of Riverside (County) and the State of California, Department of Transportation (State) entered into a Transportation Enhancement Activities (TEA) Program Agreement Declaring Restrictive Covenants (Restrictive Covenants Agreement), Federal-Aid Project No: STPLLEE-5956(154), dated January 21, 2005, recorded on April 8, 2005 in the Official Records of Riverside County, Instrument No. 2005-0278063, for the purpose of preserving and enhancing real property by permanently restricting uses required by the TEA Program. On April 30, 2013, County and State entered into a First Amendment to the Restrictive Covenants Agreement, recorded on May 15, 2013, Instrument No. 2013-0230662, for purposes of modifying the use, management, and maintenance responsibilities for a small portion of the real property for the proposed purpose of erecting and maintaining a landmark monument to identify the Temescal Gateway area, as part of the Temescal Valley Design Guidelines. It has been determined that this proposed monument site is no longer needed for the Temescal Gateway, and the parties propose to rescind all modifications to the conditions and restrictions defined in the First Amendment and restore all the terms and conditions of the original Restrictive Covenants Agreement. The project does not involve any changes to land use or the physical environment; no expansion of an existing use will occur.

Name of Public Agency Approving Project: County of Riverside, Economic Development Agency

Name of Person or Agency Carrying Out Project: County of Riverside, Economic Development Agency; State of California, Department of Transportation

Exempt Status: State California Environmental Quality Act (CEQA) Guidelines, 15061(b)(3), General Rule or "Common Sense" Exemption.

Reasons Why Project is Exempt: The Project is exempt from the provisions of CEQA specifically by the State CEQA Guidelines as identified below. The Project will not result in any specific or general exceptions to the use of the categorical exemption as detailed under State CEQA Guidelines Section 15300.2. The Project will not cause any impacts to scenic resources, historic resources, or unique sensitive biological environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact. The amendment to rescind all modifications to the conditions and restrictions defined in the First Amendment is not anticipated to result in any significant physical environmental impacts.

P.O. Box 1180 • Riverside, California • 92502 • T: 951.955.8916 • F: 951.955.6686

www.rivceda.org

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Parking
Project Management
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Real Property
Redevelopment Agency
Workforce Development

- Section 15061 (b)(3) – “Common Sense” Exemption. In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, Section 15061(b)(3). The use of this exemption is appropriate if “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” *Ibid.* This determination is an issue of fact and if sufficient evidence exists in the record that the activity cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See *Muzzy Ranch Co. v Solano County Airport Land Use Comm’n* (2007) 41 Cal.4th 372.

With certainty, there is no possibility that the Project may have a significant effect on the environment. The proposed amendment rescinds all modifications to land use, management, and maintenance responsibilities and restores the original terms and conditions of the original Restrictive Covenants Agreement, thus will not have any impact or effect on the environment. The land use and physical environment will be substantially similar to the existing uses and will not create any new environmental impacts to the surrounding area.

Therefore, in no way would the Project as proposed have the potential to cause a significant environmental impact and the Project is exempt from further CEQA analysis.

Based upon the identified exemptions above, the County of Riverside, Economic Development Agency hereby concludes that no physical environmental impacts are anticipated to occur and the Project as proposed is exempt under CEQA. No further environmental analysis is warranted.

Signed: _____



Date: _____

7/20/15

John Alfred, Acting Senior Environmental Planner
County of Riverside, Economic Development Agency



Second Amendment to the Transportation Enhancement Activities (TEA) Program
Assessor Parcel Numbers: 390-110-006 and 390-120-016

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

Project Name: Second Amendment to the Transportation Enhancement Activities (TEA) Program

Accounting String: 528500-47220-7200400000- FM0411100038

DATE: July 20, 2015

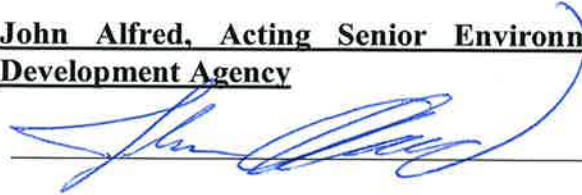
AGENCY: Riverside County Economic Development Agency

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO BILL FOR FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: John Alfred, Acting Senior Environmental Planner, Economic Development Agency

Signature: _____



PRESENTED BY: Craig Olsen, Real Property Agent, Economic Development Agency

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: _____

DATE: _____

RECEIPT # (S) _____



Date: July 20, 2015

To: Mary Ann Meyer, Office of the County Clerk

From: John Alfred, Acting Senior Environmental Planner, Project Management Office

**Subject: County of Riverside Economic Development Agency Project # FM0411100038
Second Amendment to the Transportation Enhancement Activities (TEA) Program;
Assessor Parcel Numbers: 390-110-006 and 390-120-016**

The Riverside County's Economic Development Agency's Project Management Office is requesting that you post the attached Notice of Exemption. Attached you will find an authorization to bill by journal voucher for your posting fee.

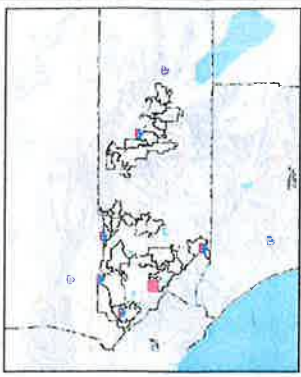
After posting, please return the document to Mail Stop #1330 Attention: John Alfred, Acting Senior Environmental Planner, Economic Development Agency, 3403 10th Street, Suite 400. Riverside, CA 92501. If you have any questions, please contact John Alfred at 955-4844.

Attachment

cc: file

Second Amendment to the Transportation Activities (TEA) Program Agreement

Assessor's Parcel Number: 390-120-016



Legend

- RCLIS Parcels
- roads
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrographylines
- waterbodies
- Lakes
- Rivers

Notes

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

0 1,889 3,778 Feet



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Second Amendment to the Transportation Activities (TEA) Program Agreement

Assessor's Parcel Number: 390-120-016



Legend

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