

FORM APPROVED COUNTY COUNSEL 3/9/16  
 DATE  
 BY: GREGORY P. PRIAMOS

**SUBMITTAL TO THE FLOOD CONTROL AND  
 WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS  
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



1103

**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
 March 29, 2016

**SUBJECT:** Approve Amendment No.1 to Cooperative Agreement for Perris Valley Master Drainage Plan Line A-B (MS 94), Project No. 4-0-00537; District 5 [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve Amendment No. 1 to Cooperative Agreement between the District, City of Perris (City) and Duke Realty Limited Partnership (Developer); and
2. Authorize the Chairman to execute the Amendment documents on behalf of the District.

**BACKGROUND:**

**Summary**

On January 6, 2015 (Agenda Item No. 11-4), the Board of Supervisors approved the cooperative agreement between the District, City and Developer which set forth the terms and conditions by which certain flood control facilities, required as a condition for approval for MS 94, are to be constructed by Developer and inspected and maintained by the District and City.

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**WARREN D. WILLIAMS**  
 General Manager-Chief Engineer

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

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b> No
	<b>For Fiscal Year:</b> N/A

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
 Steven C. Horn

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.: 11-4 of 01/06/15 | District: 5<sup>th</sup> | Agenda Number:

**11-4**

Departmental Concurrence

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Approve Amendment No.1 to Cooperative Agreement for Perris Valley Master Drainage Plan**  
Line A-B (MS 94), Project No. 4-0-00537; District 5 [\$0]

**DATE:** March 29, 2016

**PAGE:** Page 2 of 2

**BACKGROUND:**

**Summary (continued)**

This Amendment No. 1 is necessary to reflect certain modifications to the design of the required flood control and drainage facilities and the associated responsibilities for the operation and maintenance of same. Upon completion of the facilities construction, the District will assume ownership, operation and maintenance of a portion of the mainline storm drain system. City will assume ownership and maintenance of an underground storm drain system, a 42-inch lateral and the project's associated catch basins, connector pipes, inlets and laterals that are 36 inches or less in diameter located within City rights of way.

County Counsel has approved the Amendment as to legal form and the City and Developer have executed the Amendment.

**Impact on Residents and Businesses**

As noted above, construction of these drainage improvements is a requirement for the development of MS 94. The principal beneficiaries are the future residents of the tract. Ancillary benefits will accrue to residents who will utilize the tract's roadways.

**SUPPLEMENTAL:**

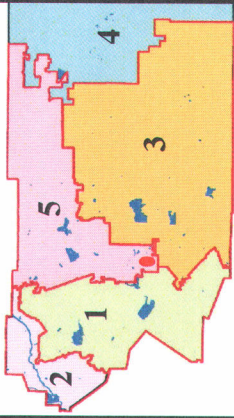
**Additional Fiscal Information**

The Developer is funding all construction and construction inspection costs. Future operation and maintenance costs of the District maintained storm drain facilities will accrue to the District.

**ATTACHMENTS:**

1. Vicinity Map
2. Amendment No. 1 to Cooperative Agreement

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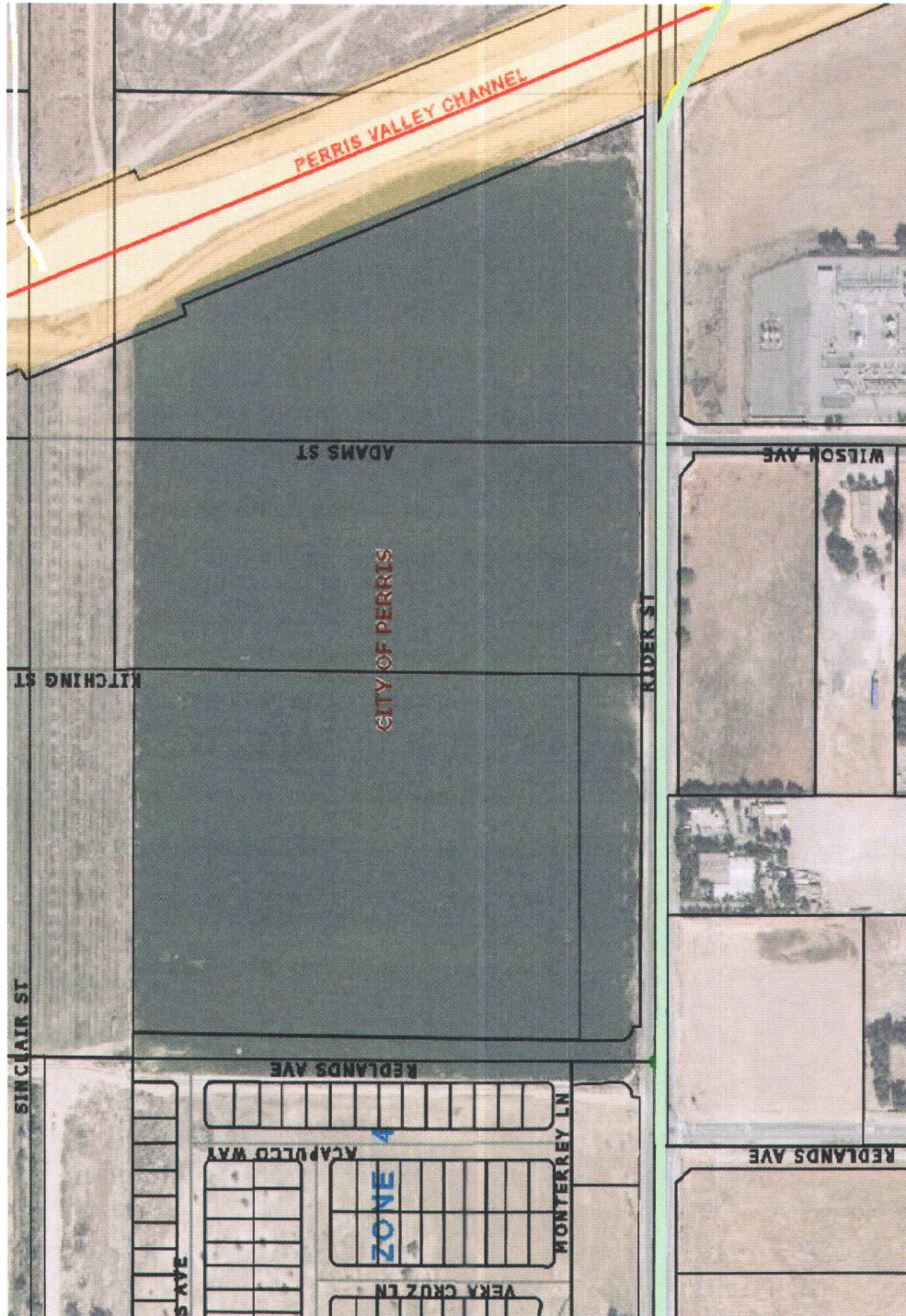
Supervisor Districts

**LEGEND:**

- Project Vicinity
- Supervisorial District

**DESCRIPTION:**

Perris Valley MDP Line A-B (MS94)



AMENDMENT NO. 1  
to  
COOPERATIVE AGREEMENT

Perris Valley Master Drainage Plan Line A-B  
Project No. 4-0-00537  
MS 94

The Riverside County Flood Control and Water Conservation District, hereinafter called "DISTRICT", the City of Perris, hereinafter called "CITY", and Duke Realty Limited Partnership, an Indiana limited partnership, hereinafter called "DEVELOPER" hereby agree as follows:

RECITALS

A. DISTRICT, CITY and DEVELOPER have previously entered into that certain Agreement which was executed on January 6, 2015, and recorded as Document No. 2015 – 0024115 in the Official Records of the County of Riverside and is hereinafter called "AGREEMENT", setting forth the parties' respective rights and obligations concerning DEVELOPER'S proposed design and construction of certain flood control and drainage facilities required as a condition of approval for MS 94 located in the city of Perris, Riverside County, State of California (hereinafter, the "PROJECT"); and

B. Subsequent to the execution of said AGREEMENT, the parties hereto have mutually agreed to certain modifications to the design of the required flood control and drainage facilities and the associated responsibilities for the operation and maintenance of same. Said modifications include the elimination of certain DISTRICT operation and maintenance responsibilities of PROJECT as described in AGREEMENT; and

NOW, THEREFORE, in consideration of the preceding recitals and the mutual covenants hereinafter contained, the parties hereto mutually agree to amend AGREEMENT as follows:

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1. Paragraph C in the RECITALS of AGREEMENT is amended to read:

"The required flood control facilities, as shown on District Drawing No. 4-1063, include the construction of i) approximately 2,900 lineal feet of underground reinforced concrete box and its associated outlet structure, hereinafter called "LINE A-B", as shown in concept in red on Exhibit "B" attached hereto and made a part hereof; and ii) an access ramp, hereinafter called "ACCESS RAMP", as shown in concept in green on Exhibit "B". At its upstream terminus, LINE A-B terminates with a concrete bulkhead for future extension. At its downstream terminus, LINE A-B connects to DISTRICT'S existing Perris Valley Channel. Together, LINE A-B, and ACCESS RAMP are hereinafter called "DISTRICT DRAINAGE FACILITIES".

2. Paragraph D in the RECITALS of AGREEMENT is amended to read:

"Associated with the construction of DISTRICT DRAINAGE FACILITIES is the construction of i) approximately 1,800 lineal feet of precast reinforced concrete box at approximate Station 40+00.00 to Station 57+96.02; ii) approximately 48 lineal feet of 42-inch reinforced concrete pipe; and iii) certain catch basins, inlets, and various lateral storm drains that are thirty-six inches (36") or less in diameter located within CITY held easements or rights of way, collectively hereinafter called "CITY APPURTENANCES". Together, DISTRICT DRAINAGE FACILITIES and CITY APPURTENANCES are hereinafter called "PROJECT".

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3. Except to the extent specifically deleted, added to, or amended herein, all of the terms, covenants and conditions of said AGREEMENT executed on January 6, 2015 shall remain in full force and effect between the parties hereto.

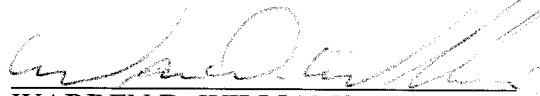
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IN WITNESS WHEREOF, the parties hereto have executed this Amendment on

\_\_\_\_\_  
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

**RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT**

By   
WARREN D. WILLIAMS  
General Manager-Chief Engineer

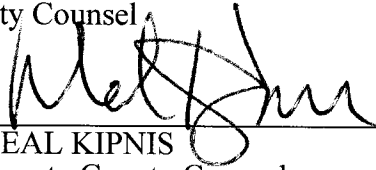
By \_\_\_\_\_  
MARION ASHLEY, Chairman  
Riverside County Flood Control and Water  
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

GREGORY P. PRIAMOS  
County Counsel

KECIA HARPER-IHEM  
Clerk of the Board

By   
NEAL KIPNIS  
Deputy County Counsel


By \_\_\_\_\_  
Deputy

(SEAL)

Amendment No. 1 to  
Cooperative Agreement: Perris Valley Master Drainage Plan Line A-B (MS 94)  
02/29/2016  
AMR:mcv


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**CITY OF PERRIS**

By   
RICHARD BELMUDEZ  
City Manager

APPROVED AS TO FORM:

ATTEST:

By   
ERIC DUNN  
City Attorney

By   
NANCY SALAZAR  
City Clerk

(SEAL)



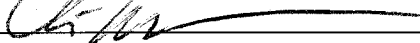
Amendment No. 1 to  
Cooperative Agreement: Perris Valley Master Drainage Plan Line A-B (MS 94)  
02/29/2016  
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**DUKE REALTY LIMITED PARTNERSHIP**  
an Indiana limited partnership

By: DUKE REALTY CORPORATION,  
an Indiana corporation,  
its sole general partner

By   
CHRISTOPHER M. BURNS  
Senior Vice President, Southern California

(ATTACH NOTARY WITH  
CAPACITY STATEMENT)

Amendment No. 1 to  
Cooperative Agreement: Perris Valley Master Drainage Plan Line A-B (MS 94)  
02/29/2016  
AMR:mcv

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

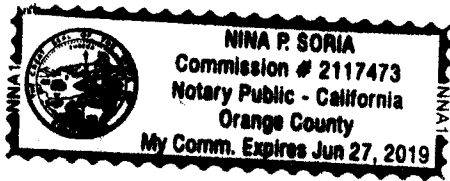
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Orange )  
On March 7, 2016 before me, Nina P. Soria  
Date Here Insert Name and Title of the Officer  
personally appeared Chris Burns  
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 Nina P. Soria  
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**

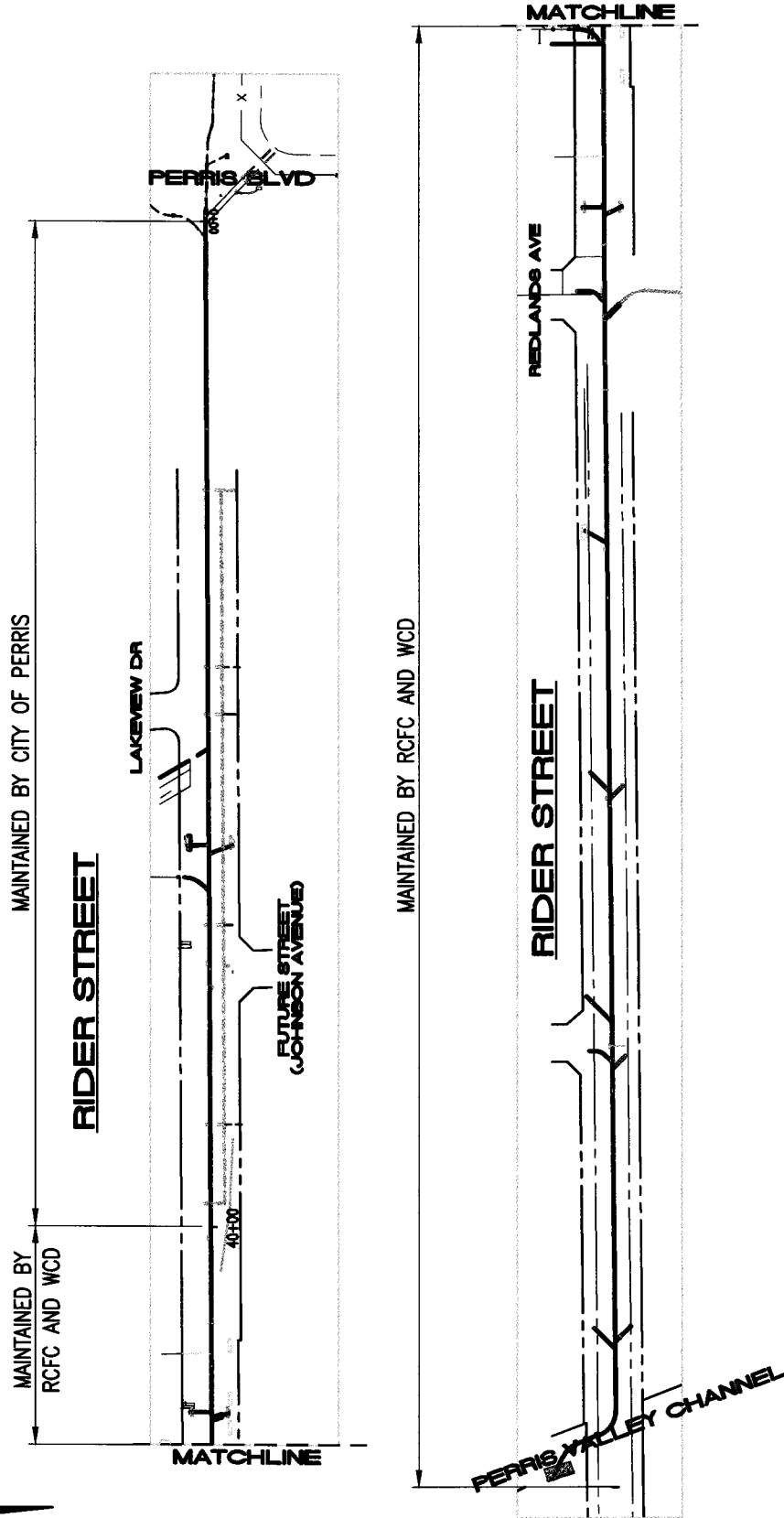
Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

**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: \_\_\_\_\_

# EXHIBIT B



**COOPERATIVE AGREEMENT**  
**PERRIS VALLEY MDP LINE A-B (MS 94)**  
**PROJECT NO. 4-0-00537**  
**PAGE 1 OF 2**

**Exhibit B**

