

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

540A



**FROM:** TLMA - Transportation Department

**SUBMITTAL DATE:**  
October 21, 2010

**SUBJECT:** First amendment to the License and Indemnity Agreement between the County and the City of La Quinta for improvements on Fred Waring Drive

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

1. Approve the first amendment to the License and Indemnity Agreement between the County and the City of La Quinta;
2. and Authorize the Chairman of the Board to execute the same.

**BACKGROUND:** On June 3, 2008 the board executed a License and Indemnity Agreement with the City of La Quinta for the purpose of providing striping improvements on Fred Waring Drive between Adams Street and Port Maria Road.

Juan C. Perez  
Director of Transportation

(Continued On Attached Page)

FORM APPROVED COUNTY COUNSEL  
 BY: Synthia M. Gunzel 10-18-10  
 Departmental Concurrence  
 DATE  
 SYNTHIA M. GUNZEL

|                         |                               |      |                         |   |
|-------------------------|-------------------------------|------|-------------------------|---|
| <b>FINANCIAL DATA</b>   | Current F.Y. Total Cost:      | \$ 0 | In Current Year Budget: | Yes   |
|                         | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment:      | No  |
|                         | Annual Net County Cost:       | \$ 0 | For Fiscal Year:        | 2010/11   |
| <b>SOURCE OF FUNDS:</b> |                               |      |                         | 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

Policy  
 Policy

Consent  
 Consent

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

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Benoit, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley  
 Nays: None  
 Absent: Tavaglione  
 Date: November 2, 2010  
 xc: Transp.

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

Prev. Agn. Ref. 06/03/08 3.75 | District: 4 | Agenda Number:

3.56

The Honorable Board of Supervisors

RE: First amendment to the License and Indemnity Agreement between the County and the City of La Quinta for improvements on Fred Waring Drive.

October 21, 2010

Page 2 of 2

The terms of the agreement provided for the City to grant a conditional license to the County to permit the temporary encroachment into the City's jurisdictional boundaries along Fred Waring Drive. The purpose of the agreement was to allow for the implementation of interim striping improvements until a more permanent solution involving widening the roadway could be implemented. The City and County have been actively working together on the intended permanent improvements and have considered several proposed concepts.

In spite of the active efforts and cooperation between the parties, an agreement on a final concept has not yet occurred and an extension to the term of the License is required. The attached amendment extends the term of the License and Indemnity Agreement for six (6) additional months, extending the expiration date to December 2010.

## FIRST AMENDMENT TO LICENSE AND INDEMNITY AGREEMENT

THIS FIRST AMENDMENT TO LICENSE AND INDEMNITY AGREEMENT ("Amendment"), is made, to be effective the 2<sup>nd</sup> day of November, 2010, by and between the CITY OF LA QUINTA, a California charter city ("City"), and the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("County"), with reference to the following:

### Recitals

WHEREAS, the City and the County have entered into that certain License and Indemnity Agreement, dated June 3, 2008, ("Original License") pursuant to which City granted a temporary, conditional license to the County to permit the temporary encroachment along Fred Waring, between Adams Street and Port Maria Road, to install interim roadway improvements ("Interim Improvements") and County has accepted the license and agreed to indemnify the City for these Interim Improvements, as more particularly described in the License and Indemnity Agreement; and

WHEREAS, the Original License is due to expire twenty-four (24) months after the date that this agreement has been executed by all parties; and

WHEREAS, the Original License together with this Amendment are collectively referred to herein as the "License"; and

WHEREAS, since the City and the County have been negotiating and intend to enter into that certain Memorandum of Understanding to address each party's roles and responsibilities relating to alternate design choices, CEQA consideration and a final agreement for permanent roadway improvements if the road improvement project is ultimately approved, an extension for the term of the License is warranted; and

WHEREAS, the City and the County now desire to extend the term of the License.

NOW THEREFORE, for good and valuable consideration the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

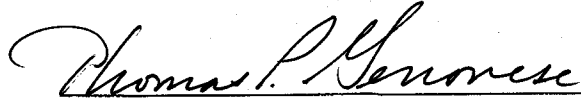
1. Term of License. Section 2 of the License is hereby amended by the following:

"The term of the License shall be extended for six (6) months from the date the Original License was due to expire."

2. Except as modified or supplemented by this First Amendment to License, all provisions of this License shall remain in full force and effect.
3. This First Amendment to License shall not be binding or consummated until its approval by the Board of Supervisors of Riverside County and the City Council of La Quinta.


IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first written above.

CITY OF LA QUINTA,  
a California charter city

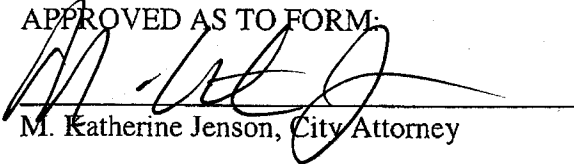


By: Thomas P. Genovese  
Its: City Manager

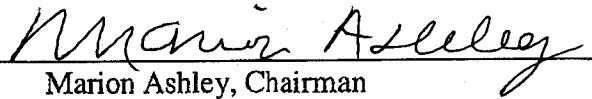
ATTEST:

  
Veronica Montecino, City Clerk

APPROVED AS TO FORM:

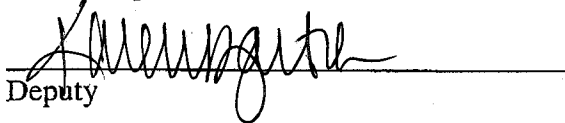
  
M. Katherine Jenson, City Attorney

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

By:   
Marion Ashley, Chairman  
Board of Supervisors

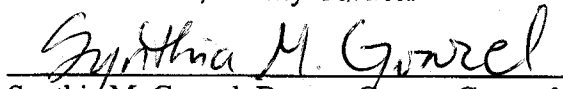
ATTEST:

Clerk of the Board  
Kecia Harper-Ihem

  
Deputy

APPROVED AS TO FORM:

Pamela J Walls, County Counsel

  
Cynthia M. Gunzel, Deputy County Counsel