

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

103 B



FROM: General Manager-Chief Engineer

SUBMITTAL DATE:

April 5, 2011

SUBJECT: Paloma Wash Channel, Stages 2 and 3
Paloma Wash – Haun Road Storm Drain Laterals
Project Nos. 4-0-00111-02, 4-0-00111-03 and 4-0-00097
Parcel Map 34275 (Menifee)
Amendment No. 1 to Cooperative Agreement

RECOMMENDED MOTION:

Approve the Amendment to the Cooperative Agreement between the District, the City of Menifee and Stark Menifee Land LLC, Donahue Schriber Realty Group, L.P. and Donahue Schriber Asset Management Corporation (Developers); and authorize the Chairman to execute the Agreement documents on behalf of the District.

BACKGROUND:

The Amendment is necessary to modify the District's operations and maintenance responsibilities.
Continued on Page 2

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current F.Y. District Cost:	N/A	In Current Year Budget:	N/A
	Current F.Y. County Cost:	N/A	Budget Adjustment:	N/A
	Annual Net District Cost:	N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS: N/A

Positions To Be Deleted Per A-30

Requires 4/5 Vote

C.E.O. RECOMMENDATION:

APPROVE

BY: *Michael R. Shetler*
Michael R. Shetler

County Executive Office Signature

MINUTES OF THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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

Ayes: Buster, Tavaglione, Stone and Benoit
Nays: None
Absent: Ashley
Date: April 5, 2011
xc: Flood

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.:

District: 3rd

Agenda Number:

11.1

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

FORM APPROVED COUNTY COUNSEL
BY: *Neal R. Kipnis*
DATE: 4/27/11

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

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

SUBJECT: Paloma Wash Channel, Stages 2 and 3
Paloma Wash – Haun Road Storm Drain Laterals
Project Nos. 4-0-00111-02, 4-0-00111-03 and 4-0-00097
Parcel Map 34275 (Menifee)
Amendment No. 1 Cooperative Agreement

SUBMITTAL DATE: April 5, 2011

BACKGROUND (continued):

One Irrevocable Offer of Dedication described in the original Agreement has not been forthcoming and the District operation and maintenance responsibilities have been modified to reflect this.

County Counsel has approved the Agreement as to legal form and both the City and the Developers have executed the Agreement.

The Developers are funding all construction and construction inspection costs. Future operation and maintenance costs will accrue to the District.

KEC:bjj

AMENDMENT NO. 1 TO
COOPERATIVE AGREEMENT
 Paloma Wash Channel, Stages 2 and 3
 Paloma Wash – Haun Road Storm Drain Laterals
 (Project Nos. 4-0-00111-02, 4-0-00111-03 and 4-0-00097)
 (Parcel Map 34275)

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the CITY OF MENIFEE, hereinafter called "CITY", and STARK MENIFEE LAND LLC, a Wisconsin limited liability company, hereinafter called "STARK", DONAHUE SCHRIBER REALTY GROUP, L.P., a Delaware limited partnership, hereinafter called "DS REALTY", and DONAHUE SCHRIBER ASSET MANAGEMENT CORPORATION, a Delaware corporation, hereinafter called "DS ASSET", previously entered into that certain Agreement dated October 27, 2009, recorded as Document Number 2009 – 0657607 in the Official Records of the Riverside County Recorder, hereinafter called "AGREEMENT"; and

The parties hereto mutually agree to amend AGREEMENT as follows:

1. Section B under Recitals reflecting a change in operation and maintenance responsibility, is amended as follows:
 - B. The required flood control facilities include construction of (i) approximately 5,300 lineal feet of vegetated trapezoidal channel, hereinafter called "STAGE 2 CHANNEL", as shown in concept in red on Exhibit "A" attached hereto and made a part hereof, (ii) approximately 600 lineal feet of vegetated trapezoidal channel and approximately 290 lineal feet of rip-rapped trapezoidal channel, together hereinafter called "STAGE 3 CHANNEL", as shown in concept in purple on Exhibit "A", (iii) approximately 505 lineal feet of four-cell reinforced concrete box culvert and associated inlet, hereinafter called "CHANNEL BOX", as shown in concept in yellow on Exhibit "A", and (iv) except for a certain catch

1 basin and segment of Line L upstream of Sta. 11+56.30 (District Drawing 4-
2 973), those storm drain laterals which connect to STAGE 2 CHANNEL,
3 consisting of either underground storm drains greater than thirty-six inches (36")
4 in diameter or of reinforced concrete boxes, located within DISTRICT or CITY
5 held easements or rights of way, hereinafter called "LATERALS", as shown in
6 concept in green on Exhibit "A". Together, STAGE 2 CHANNEL, STAGE 3
7 CHANNEL, CHANNEL BOX and LATERALS are hereinafter called
8 "DISTRICT DRAINAGE FACILITIES". At its downstream terminus, STAGE
9 3 CHANNEL connects to CHANNEL BOX, which then connects to STAGE 2
10 CHANNEL, which then connects to DISTRICT'S existing Paloma Wash
11 Channel, as shown in District Drawing No. 4-434; and

- 12
13
14 2. Page five of five (5/5) of Exhibit "B", reflecting the change in operations and
15 maintenance responsibility is replaced in its entirety and attached to this amendment.
16 3. Except to the extent specifically added to, modified or amended hereunder, all of the
17 terms, covenants and conditions of said AGREEMENT dated October 27, 2009 remain
18 in full force and effect between the parties hereto.
19

20 //


21 //

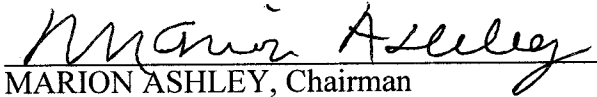
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

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APR 05 2011
(to be filled in by Clerk of the Board)

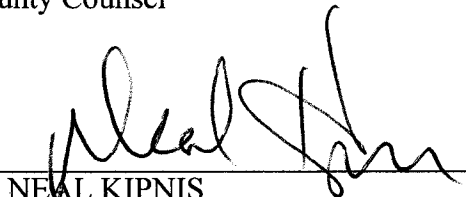
RECOMMENDED FOR APPROVAL: **RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**

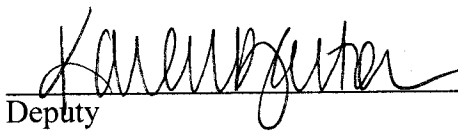
By 
WARREN D. WILLIAMS
General Manager-Chief Engineer

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

APPROVED AS TO FORM:
PAMELA J. WALLS
County Counsel

ATTEST:
KECIA HARPER-IHEM
Clerk of the Board

By 
NEAL KIPNIS
Deputy County Counsel

By 
Deputy

(SEAL)

Amendment No. 1
Cooperative Agreement: PM 34275
12/16/10
KEC:blj

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RECOMMENDED FOR APPROVAL:

CITY OF MENIFEE

By *[Signature]*

By *Wallace Edgerton*
WALLACE W. EDGERTON
Mayor

APPROVED AS TO FORM:

ATTEST:

KATHY BENNETT
City Clerk

By *K Feld*
ELIZABETH MARTYN
City Attorney *Karen Feld*

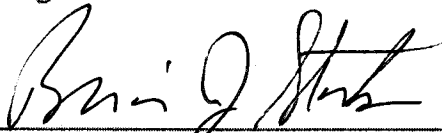
By *Bennett*

(SEAL)

Amendment No. 1
Cooperative Agreement: PM 34275
12/16/10
KEC:blj

STARK MENIFEE LAND LLC,
a Wisconsin limited liability company

By: STARK OFFSHORE MANAGEMENT LLC,
a Wisconsin limited liability company,
Its Manager

By 

Print Name Brian J. Staek

Print Title Managing Member

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

(SIGNATURES CONTINUED ON FOLLOWING PAGE)

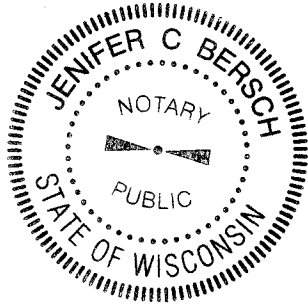
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12/16/10
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THE STATE OF WISCONSIN :

COUNTY OF MILWAUKEE :

This document was acknowledged before me on January 20, 2011, by Brian J. Stark, the Managing Member of STARK OFFSHORE MANAGEMENT LLC, as the MANAGER of STARK MENEFEER LAND LLC, a Wisconsin Limited Liability Company.



Jenifer C Bersch
Jenifer C. Bersch
NOTARY PUBLIC, STATE OF WISCONSIN

My commission expires 11/18/2012

DONAHUE SCHRIBER REALTY GROUP, L.P.,
a Delaware limited partnership

By: DONAHUE SCHRIBER REALTY
GROUP, INC.,
a Maryland corporation,
Its General Partner

By Mark L. Whitfield

Print Name Mark L. Whitfield
Print Title Executive Vice President

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

By Janet L. Petersen

Print Name Janet L. Petersen
Print Title Vice President - Development Services

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

**DONAHUE SCHRIBER ASSET
MANAGEMENT CORPORATION,**
a Delaware corporation

By Mark L. Whitfield

Print Name Mark L. Whitfield
Print Title Executive Vice President

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

By Janet L. Petersen

Print Name Janet L. Petersen
Print Title Vice President - Development Services

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

Amendment No. 1
Cooperative Agreement: PM 34275
12/16/10
KEC:blj

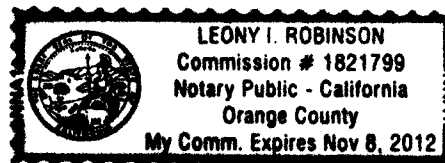
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On January 10, 2011 , before me, Leony I. Robinson, Notary Public, personally appeared, Mark L. Whitfield and Janet L. Petersen , 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 Leony I. Robinson

(Seal)

Exhibit B

