

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



ITEM
3.22
(ID # 3314)

MEETING DATE:

Tuesday, January 31, 2017

FROM : TLMA-TRANSPORTATION:

SUBJECT: TLMA TRANSPORTATION: Adopt Resolution No. 2017-017, Notice of Intent to Accept Portions of Route 74 in the Meadowbrook and Good Hope Areas Into the County Highway System, Adopt Resolution No. 2017-018, Notice of Intent to Accept Portions of Route 74 and Convey the Relinquished Road Right of Way to the City of Lake Elsinore, Adopt Resolution No. 2017-019, Consenting to the Relinquishment of a Portion of Route 74 in the Meadowbrook and Good Hope Areas and Joint Relinquishment of Adjoining Portions of Route 74 to the County of Riverside and City of Lake Elsinore and Approve the Relinquishment Agreement between the County and Caltrans; and Waiver of the 90 Day Notice Period Pursuant to Streets and Highways Code Section 73. 1st District; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2017-017, Notice of Intent to Accept those Portions of Route 74 in the Meadowbrook and Good Hope Areas Relinquished by the California Transportation Commission for Public Road and Utility Purposes and Into the County Highway System pursuant to Streets and Highways Code Section 941; and
2. Adopt Resolution No. 2017-018, Notice of Intent to Accept those Portions of Route 74 Relinquished by the California Transportation Commission for Public Road and Utility Purposes and Intent to Convey the Relinquished Road Right of Way to the City of Lake Elsinore; and
3. Adopt Resolution No. 2017-019, Consenting to the Relinquishment of a Portion of Route 74 in the Meadowbrook and Good Hope Areas by the California Transportation Commission to the County of Riverside and Joint Relinquishment of Adjoining Portions of Route 74 to the County of Riverside and City of Lake Elsinore Pursuant to Streets and Highways Code Section 374; and Waiver of the 90 Day Notice Period Pursuant to Streets and Highways Code Section 73; and
4. Approve the Relinquishment Agreement between the County and Caltrans; and
5. Authorize the Chairman of the Board to execute the same.

ACTION: Policy


Patricia Romo, Director of Transportation 1/20/2017



Tina Grande, Principal Management Analyst 1/24/2017


Gregory J. Priaplos, Director County Counsel 1/23/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Washington and Ashley
Nays: None
Absent: Tavaglione
Date: January 31, 2017
xc: Transp.

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$100,000		\$100,000 Annually
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Gas Tax 100% No General Funds			Budget Adjustment: No For Fiscal Year: on-going annual cost	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

California Assembly Bill (AB) 1915, enacted by the legislature in 2008, amended Streets and Highways (S&H) Code Section 374, to authorize the California Transportation Commission (CTC), to relinquish to the City of Lake Elsinore portions of State Route 74 located within the city's municipal boundaries. However, subsequent efforts by Caltrans and the City reached an impasse in 2010 that remains unresolved.

AB 1915 also authorized the CTC to relinquish to the City of Perris, portions of State Route 74 located within Perris City limits. This relinquishment has been completed and State Route 74 from Interstate 215 at Redlands Avenue to 7th Street at the westerly Perris City limits is now under local control.

On March 11, 2014 (Agenda item 3-01), the Board of Supervisors directed the Transportation Department to conduct a feasibility review of the potential relinquishment of State Route 74 within the unincorporated area between the City of Perris and the City of Lake Elsinore to the County of Riverside in conjunction with Caltrans. Currently, businesses or others seeking to make improvements in the area must go through a lengthy review and encroachment permitting process with Caltrans in order to make street improvements on State Route 74, including the modification of driveways. It was determined that the permit process could be streamlined through the elimination of the Caltrans encroachment permit process. By eliminating the oversight authority of Caltrans, the County could then encourage new business activity and facilitate growth and expansion along the State Route 74 corridor.

In 2015, S&H code Section 374 was again amended by AB 218 to authorize the CTC to relinquish to the County of Riverside, the portions of State Route 74 between the cities of Lake Elsinore and Perris.

This change to S&H Section 374 provided an opportunity for the County to collaborate with the City of Lake Elsinore and Caltrans to extend the local authority of State Route 74, currently benefiting Perris, from the westerly City limits of Perris at 7th Street, to Interstate 15 near Dexter in the City of Lake Elsinore (See Exhibit A). The relinquishment of State Route 74 to local control will streamline permitting for businesses and others along SR74 and it will also facilitate the joint study and

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

development of an east-west corridor between Interstate 15 and Interstate 215, and keep the decision making process at the local level.

Discussions between Caltrans, the County, and the City of Lake Elsinore resulted in a joint agreement whereby Caltrans has agreed to pay the County \$5.8 million and to the City \$2.2 million, subject to approval by the California Transportation Commission, to take over the maintenance and operation of State Route 74 between Dexter Avenue at Interstate 15 to 7th Street at the westerly City of Perris limits.

Resolution No. 2017-019 will serve to document the County's consent and support of joint relinquishment for the CTC's consideration. Resolution Number 2017-017 will serve to document the County's intent to accept into the County Highway System, portions of State Route 74 relinquished to the County by the CTC.

Route 74, between Cambern Avenue and Rachele Way, has an asymmetrical jurisdictional boundary configuration that will impact the effective maintenance and operational services of both the County and Lake Elsinore. (See Exhibit B). Where the State Route 74 centerline once coincided with the County-Lake Elsinore jurisdictional boundary, highway widening and realignment completed in 2006 separated this previously shared centerline boundary.

Resolution Number 2017-018 will serve to document the County's intent to convey to the City of Lake Elsinore the portion of State Route 74, relinquished to the County by the CTC, between Cambern Avenue to Rachel Way to remedy the asymmetrical jurisdictional boundary disparity.

Negotiations between Caltrans, Lake Elsinore, and the County have resulted in the terms and conditions of the relinquishment agreement required for the CTC's approval of joint relinquishment of State Route 74. The Board of Supervisor's adoption of Resolution No. 2017-019, will document the Board's support and consent to Route 74 relinquishment in conformance to AB 218 and AB 1915, and will serve as an attachment to the relinquishment agenda package forwarded to the CTC for action.

County Counsel has approved Resolution No. 2017-017, Resolution No. 2017-018, Resolution No. 2017-019 and the agreement as to form.

Impact on Residents and Businesses

Joint relinquishment of Route 74 from I-15 to 7th Street, as authorized by AB 218 and AB 1915, will extend local control contiguously, from I-15 to I-215. This Relinquishment will improve the County's responsiveness and coordination in land use planning, construction, maintenance and operational matters, and provide for a more streamlined approval for adjacent private property improvements that affect State Route 74.

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SUPPLEMENTAL:

Additional Fiscal Information

Increased costs to the County for highway maintenance and operational services are roughly estimated to be approximately \$100,000 annually for that portion of relinquished Route 74 adopted into the County Highway System plus any significant future capital improvements necessary, and will be absorbed into the annual road maintenance budget. The assumption of the road segment will carry with it the liability associated with the ownership of a roadway facility. Payment to be made for the relinquishment to the County by the State in the amount of \$5,800,000 is considered fair and reasonable to offset County's costs for a significant period of time.

Contract History and Price Reasonableness

N/A

Attachments

Vicinity Map

Resolution No. 2017-017 with Exhibit A

Resolution No. 2017-018 with Exhibit A

Resolution No. 2017-019 with Exhibit A

Relinquishment Agreement No. 08-1638

2 **RESOLUTION NO. 2017-017**

3
4 **NOTICE OF INTENT TO ACCEPT THOSE PORTIONS OF ROUTE 74 IN THE MEADOWBROOK**
5 **AND GOOD HOPE AREAS RELINQUISHED BY THE CALIFORNIA TRANSPORTATION**
6 **COMMISSION FOR PUBLIC ROAD AND UTILITY PURPOSES AND INTO THE COUNTY**
7 **HIGHWAY SYSTEM PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 941**

8 (First Supervisorial District)

9 **WHEREAS**, the Board of Supervisors for the County of Riverside consents to
10 relinquishment of Route 74 from Mauricio Avenue to 7th Street at the westerly city limits of the City of
11 Perris in the Meadowbrook and Good Hope unincorporated areas of Riverside County and supports the
12 joint relinquishment by the California Transportation Commission ("CTC") of adjoining segments of
13 Route 74, from Dexter Avenue at I-15 to 7th Street, as described in Resolution No. 2017-017;

14 **WHEREAS**, upon recordation of the CTC's resolution and pursuant to Streets and
15 Highways Code Section 941, as it relates to those portions of Route 74 relinquished to the County, the
16 County thereafter intends to accept for the purpose of vesting title to the County and for accepting such
17 relinquished road into the County Maintained Road System, to be utilized as the Board deems necessary;

18 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the
19 Board of Supervisors of the County of Riverside ("Board"), in regular session assembled on
20 January 31, 2017, at 9:00 a.m., or soon thereafter, in the meeting room of the Board of Supervisors for
21 the County of Riverside, located on the 1st floor of the County Administrative Center, 4080 Lemon Street,
22 Riverside, California, that this Board:

- 23
- 24 1. That the Board of Supervisors hereby finds and declares that the above recitals are true and correct
25 and incorporated as though set forth herein.
 - 26 2. Upon recordation of the California Transportation Commission's resolution of relinquishment
27 approval, the Board of Supervisors hereby intends to accept into the County Highway System,
28 those portions of Route 74 relinquished to the County of Riverside located wholly within the
unincorporated area of the County of Riverside from Mauricio Avenue to 7th Street at the westerly
city limits of the City of Perris, as depicted as "Segment 4" on Exhibit "A", attached hereto and by
this reference incorporated herein.

FORM APPROVED COUNTY COUNSEL
BY: *Synthia M. Gunzel* 1-23-17
DATE: _____
SYNTHIA M. GUNZEL

2 **RESOLUTION 2017-017**

3 **NOTICE OF INTENT TO ACCEPT THOSE PORTIONS OF ROUTE 74 IN THE**
4 **MEADOWBROOK AND GOOD HOPE AREAS RELINQUISHED BY THE CALIFORNIA**
5 **TRANSPORTATION COMMISSION FOR PUBLIC ROAD AND UTILITY PURPOSES AND**
6 **INTO THE COUNTY HIGHWAY SYSTEM PURSUANT TO STREETS AND HIGHWAYS CODE**
7 **SECTION 941**
8 **(FIRST SUPERVISORIAL DISTRICT0**

9 ADOPTED by Riverside County Board of Supervisors on January 31, 2017.

10 **ROLL CALL:**

11 **Ayes: Jeffries, Washington and Ashley**
12 **Nays: None**
13 **Absent: Tavaglione**

14 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
15 Supervisors on the date therein set forth.

16 **KECIA HARPER-IHEM, Clerk of said Board**

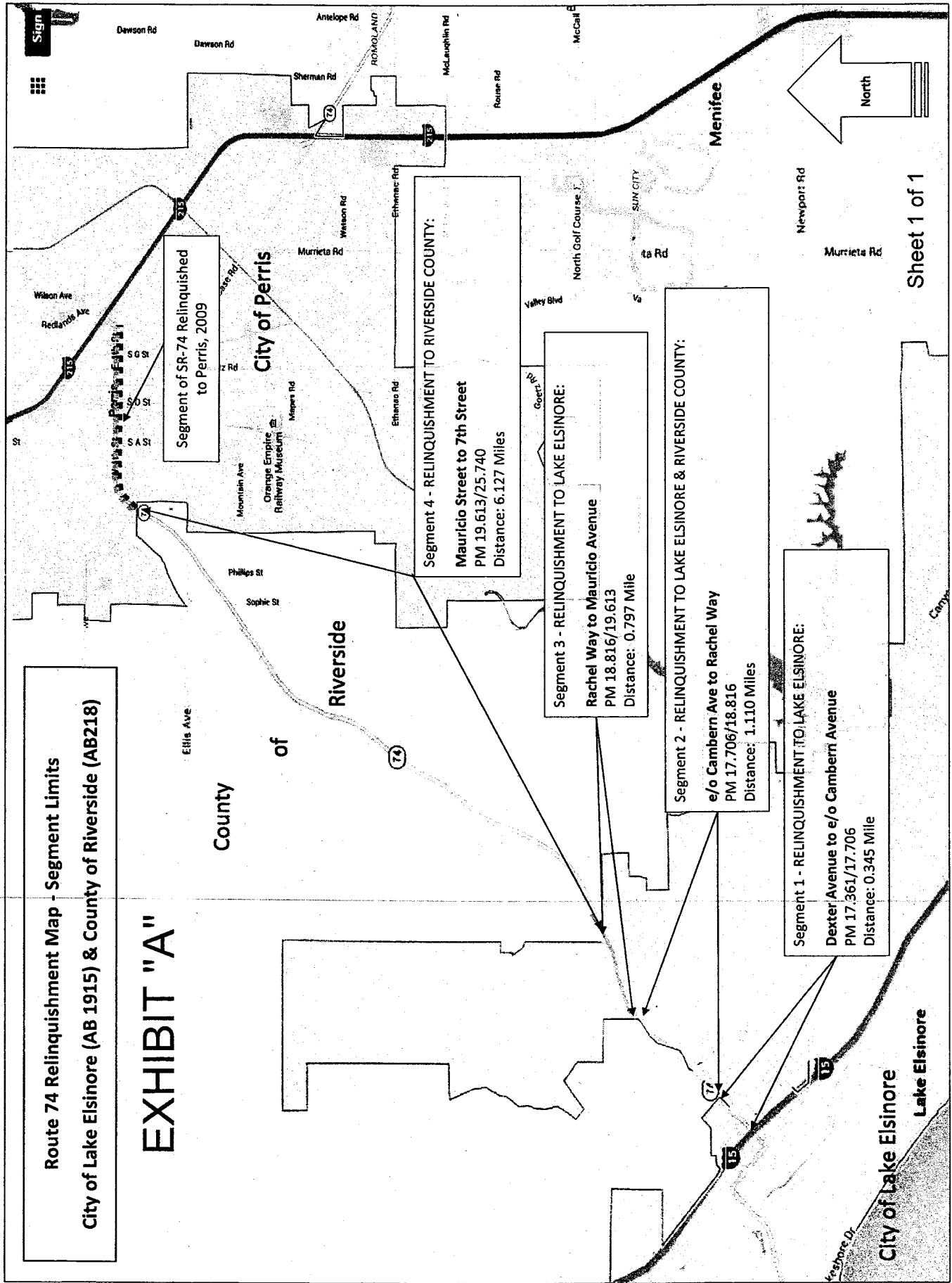
17 **By:** _____

Karuppattan
Deputy

Route 74 Relinquishment Map - Segment Limits

City of Lake Elsinore (AB 1915) & County of Riverside (AB218)

EXHIBIT "A"



2 RESOLUTION NO. 2017-018

3 NOTICE OF INTENT TO ACCEPT THOSE PORTIONS OF ROUTE 74 RELINQUISHED BY THE
4 CALIFORNIA TRANSPORTATION COMMISSION FOR PUBLIC ROAD AND UTILITY
5 PURPOSES AND INTENT TO CONVEY THE RELINQUISHED ROAD RIGHT OF WAY TO THE
6 CITY OF LAKE ELSINORE

(First Supervisorial District)

7 **WHEREAS**, the Board of Supervisors for the County of Riverside consents to
8 relinquishment of Route 74 from Mauricio Avenue to 7th Street at the westerly city limits of the City of
9 Perris in the Meadowbrook and Good Hope unincorporated areas of Riverside County and supports the
10 joint relinquishment by the California Transportation Commission ("CTC") of adjoining segments of
11 Route 74, from Dexter Avenue at I-15 to 7th Street, as further described in Resolution No. 2017-018;

12 **WHEREAS**, a portion of Route 74 to be relinquished by CTC results in an asymmetrical
13 jurisdictional boundary configuration, between Cambern Avenue and Rachel Way, as shown on Exhibit
14 "B" that would impact the County and the City of Lake Elsinore and create maintenance and operational
15 disparities between the County and Lake Elsinore;

16 **WHEREAS**, due to the aforementioned disparities, the County and Lake Elsinore have
17 determined that it would be in the best interest of both parties for the County to convey the portion of
18 Route 74 from Cambern Avenue and Rachel Way ("Subject Property") as more particularly legally
19 described and shown on Exhibit "B", attached hereto and by this reference incorporated herein;

20 **WHEREAS**, the Subject Property will be relinquished to the County of Riverside by the
21 California Transportation Commission ("CTC") via a resolution of CTC

22 **WHEREAS**, upon recordation of the CTC's resolution and pursuant to Streets and
23 Highways Code Section 941, as it relates to those portions of Route 74 relinquished to the County, the
24 County thereafter intends to accept for the purpose of vesting title to the County and intends thereafter
25 convey the relinquished road right of way interest, the Subject Property, to the City of Lake Elsinore;

26 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the
27 Board of Supervisors of the County of Riverside ("Board"), in regular session assembled on
28 January 31, 2017, at 9:00 a.m., or soon thereafter, in the meeting room of the Board of Supervisors for

FORM APPROVED COUNTY COUNSEL
BY: *Sybil M. Gunzel* 1-31-17
SYBIL M. GUNZEL
DATE

1 the County of Riverside, located on the 1st floor of the County Administrative Center, 4080 Lemon Street,
2 Riverside, California, that this Board:

- 3 1. Hereby finds and declares that the above recitals are true and correct and incorporated as though
4 set forth herein.
- 5 2. Hereby finds that conveyance of the Subject Property to the City of Lake Elsinore is in the best
6 interest of the County and Lake Elsinore to avoid the impacts and the creation of maintenance and
7 operational disparities between the County and Lake Elsinore;
- 8 3. Upon recordation of the California Transportation Commission's resolution of relinquishment
9 approval, the Board of Supervisors hereby intends to accept from CTC and convey the Subject
10 Property, as more particularly described and depicted as "Segment 2" on Exhibit "B", to the City
11 of Lake Elsinore.

12
13 ROLL CALL:

14 Ayes: Jeffries, Washington and Ashley
15 Nays: None
16 Absent: Tavaglione

17 The foregoing is certified to be a true copy of a resolution duly
18 adopted by said Board of Supervisors on the date therein set forth.

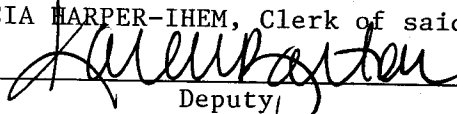
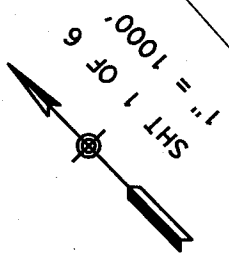
19 By 
20 Deputy
21
22
23
24
25
26
27
28

EXHIBIT "B"

N.A.P.
 APN 377-020-004
 STATE OF CA
 DEPT OF TRANS
 DISTRICT 08 MAINT

ONLY THE U/F PORTION, IF ANY,
 OF APN 377-020-004 WITHIN
 STATE ROUTE 74 IS SUBJECT TO
 THIS CO-OP AG AND PROP RELINQ



**TERMINUS
 SEGMENT 2
 PM 18-83
 ROUTE 74**

**BEGIN
 SEGMENT 2
 PM 17-70
 ROUTE 74**

SEGMENT 2

SEGMENT 2

SEGMENT 2

THIS PROPOSED RELINQUISHMENT AND
 RELINQUISHMENT AGREEMENT AUTHORIZED
 BY LEGISLATIVE AUTHORITY PURSUANT TO:
 STATE OF CALIFORNIA, STREETS AND HIGHWAYS CODE,
 SECTION 374 AS REVISED BY STATE ASSEMBLY
 BILL AB 0218 SIGNED BY THE GOVERNOR ON
 OCTOBER 7, 2015.

STATE OF CALIFORNIA
 CALIFORNIA STATE TRANSPORTATION AGENCY
 DEPARTMENT OF TRANSPORTATION

EXHIBIT "A"

COOPERATIVE AGREEMENT for PROP. RELINQUISHMENT NO. 474-R to RIVERSIDE COUNTY

MAP SCALE : 1" = 1000'

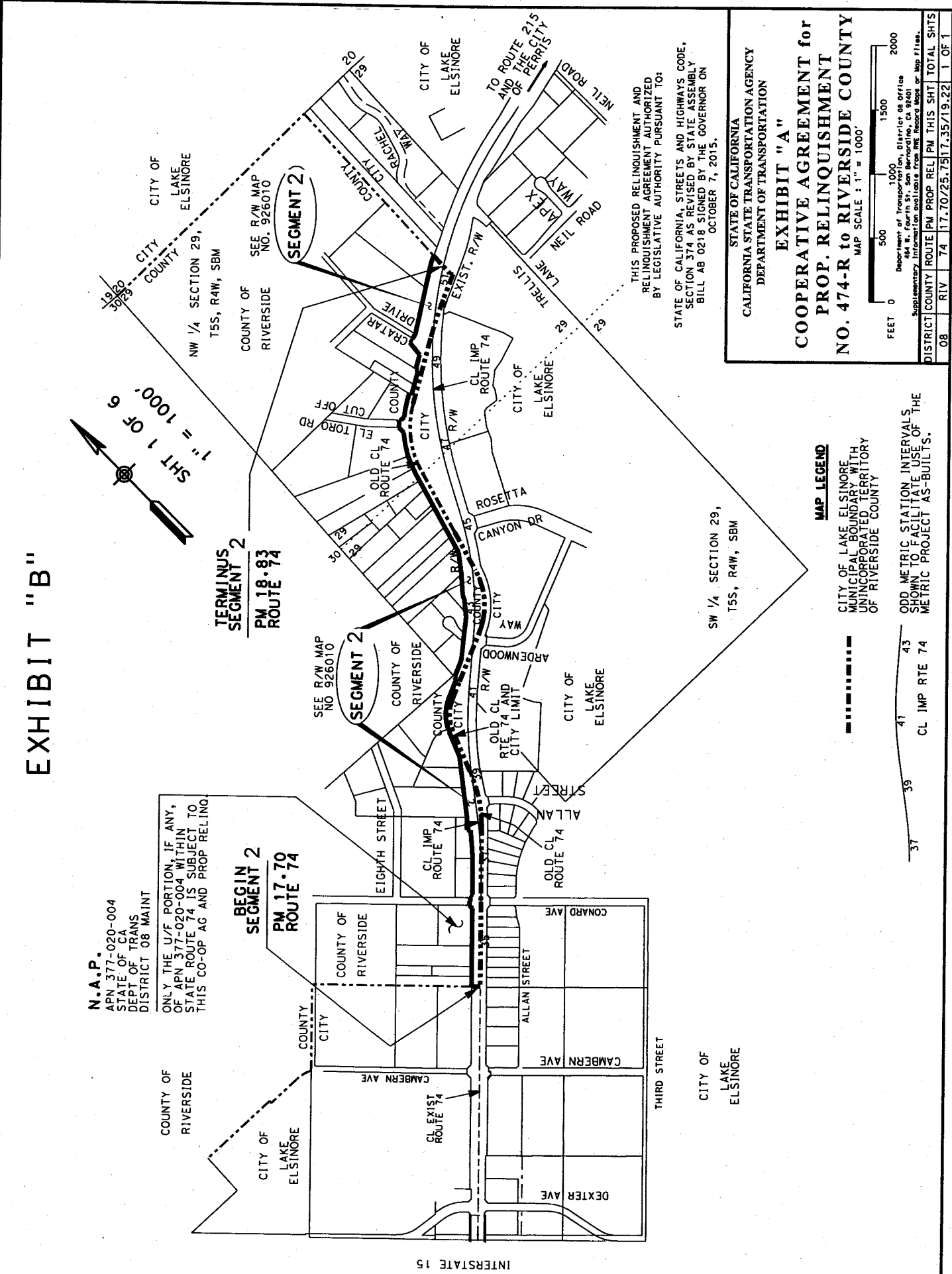
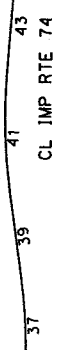
Department of Transportation, District 08 Office
 144 W. Fourth St., San Bernardino, CA 92401
 Supplemental Information Available from the Record Maps or Map Files.

DISTRICT	COUNTY	ROUTE	PM	PROP	REL	PM	THIS	SHT	TOTAL	SHTS
08	RIV	74	17-70/25-75/17-35/19-22	1	OF	1				

MAP LEGEND

--- CITY OF LAKE ELSINORE
 --- MUNICIPAL BOUNDARY WITH
 UNINCORPORATED TERRITORY
 --- OF RIVERSIDE COUNTY

--- ODD METRIC STATION INTERVALS
 SHOWN TO FACILITATE USE OF THE
 METRIC PROJECT AS-BUILTS.



2 **RESOLUTION NO. 2017-019**

3 **CONSENTING TO THE RELINQUISHMENT OF A PORTION OF ROUTE 74 IN THE**
4 **MEADOWBROOK AND GOOD HOPE AREAS BY THE CALIFORNIA TRANSPORTATION**
5 **COMMISSION TO THE COUNTY OF RIVERSIDE AND JOINT RELINQUISHMENT OF**
6 **ADJOINING PORTIONS OF ROUTE 74 TO THE COUNTY OF RIVERSIDE AND CITY OF LAKE**
7 **ELSINORE PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 374 (AB 218 AND 1915);**
8 **AND WAIVER OF THE 90 DAY NOTICE PERIOD PURSUANT TO STREETS AND HIGHWAYS**
9 **CODE SECTION 73**

10 (First Supervisorial District)

11 **WHEREAS**, Route 74 was adopted into the State Highway System in 1933 and served as an
12 interregional link between Orange and Riverside Counties during the succeeding decades;

13 **WHEREAS**, Route 74 also served sub-regionally to connect Old Highways 71 and 72, now
14 Interstates 15 and 215, (I-15 and 215), respectively, to link the Elsinore and Perris valleys and the growing
15 populations within those communities;

16 **WHEREAS**, this interregional and sub-regional access once available along Route 74 has been
17 supplanted during more recent decades by continuing improvements to Interstates 15 and 215;

18 **WHEREAS**, in light of this change, Assembly Bill ("AB") 1915 (2008), amended California
19 Streets and Highways Code § 374, and authorized the California Transportation Commission ("CTC"), to
20 relinquish portions of Route 74 to the cities of Lake Elsinore ("Lake Elsinore"), and Perris ("Perris");

21 **WHEREAS**, the CTC, as so authorized, relinquished to Perris that portion of Route 74, from 7th
22 Street at the westerly city limits to Redlands Avenue at I-215, via Resolution R-3739 on August 12, 2009;

23 **WHEREAS**, Assembly Bill ("AB") No. 218 (2015), further amends California Streets and
24 Highways Code § 374, to authorize the CTC to relinquish to the County of Riverside ("County"), portions
25 of Route 74 within the unincorporated area east of Lake Elsinore, and west of Perris;

26 **WHEREAS**, together, AB 1915 and AB 218 present an opportunity for the joint
27 relinquishment of adjoining segments of Route 74, from Dexter Avenue at I-15 to 7th Street, as depicted
28 on Exhibit "A", for the mutual benefit of the County, Lake Elsinore, and the California Department of
Transportation ("Department");

WHEREAS, the interdependency of these adjoining segments is fundamental to establishing local

FORM APPROVED COUNTY COUNSEL
BY: SYNTIA M. GUNZEL 1-23-17
DATE

1 control throughout Route 74 from I-15 to I-215;

2 **WHEREAS**, collaboration between the County and Lake Elsinore will be essential to reconcile
3 maintenance and operational disparities arising from an asymmetrical jurisdictional boundary
4 configuration, between Cambern Avenue and Rachel Way, that will impact the County and Lake Elsinore,
5 upon relinquishment of Route 74;

6 **WHEREAS**, discussions between representatives of the County, Lake Elsinore, and the
7 Department have produced terms of negotiations considered sufficient to commence preparation of a
8 relinquishment agreement, for consideration and approval, at a future date, by duly authorized
9 representatives and officers of the Department, the County, and Lake Elsinore, respectively;

10 **WHEREAS**, once duly approved, the execution of such relinquishment agreement will facilitate
11 the CTC's approval and consummation of the joint relinquishment of these segments of Route 74 in
12 accordance to Streets and Highways Code Section 374, as amended by AB 1915 (2008) and AB 218
13 (2015);

14 **WHEREAS**, a CTC resolution approving the joint relinquishment of these adjoining segments of
15 Route 74 will facilitate recordation of said resolution at the County Recorder's Office of the County of
16 Riverside, ("Recorder's"), and thus conclude Route 74 relinquishment by the CTC and prompt the County
17 to take the necessary actions to accept the relinquished road as a County road right of way and into its
18 county maintained road system pursuant to Streets and Highway Code Section 941;

19 **WHEREAS**, the waiver of the 90-day notice period will facilitate approval of the
20 relinquishment to the County by the CTC;

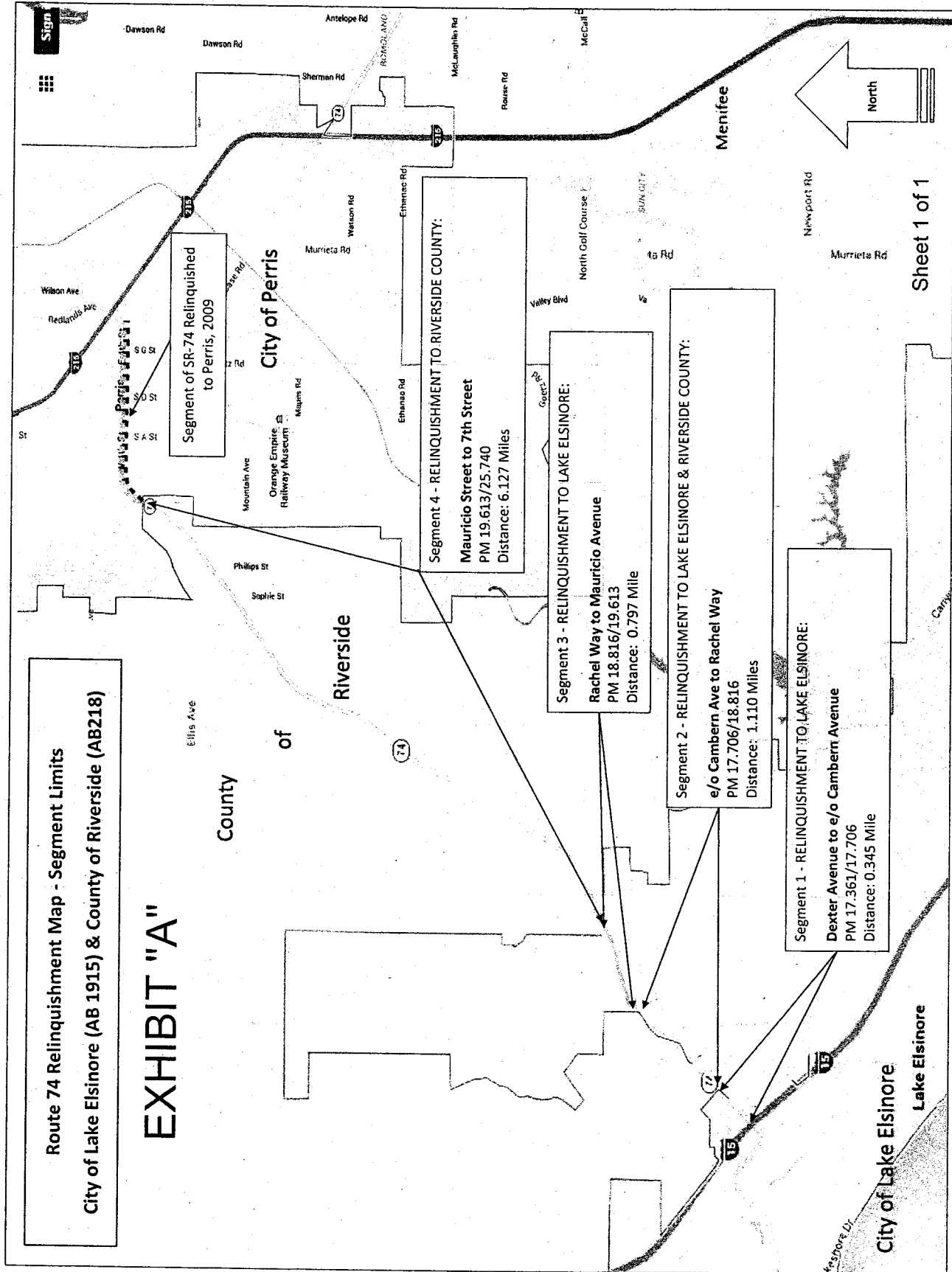
21 **NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board
22 of Supervisors of the County of Riverside ("Board"), in regular session assembled on January 31,
23 2017, at 9:00 a.m., or soon thereafter, in the meeting room of the Board of Supervisors for the County of
24 Riverside, located on the 1st floor of the County Administrative Center, 4080 Lemon Street, Riverside,
25 California, that the Board:

- 26 1. Hereby finds and declares that the above recitals are true and correct and incorporated as
27 though set forth herein.
28

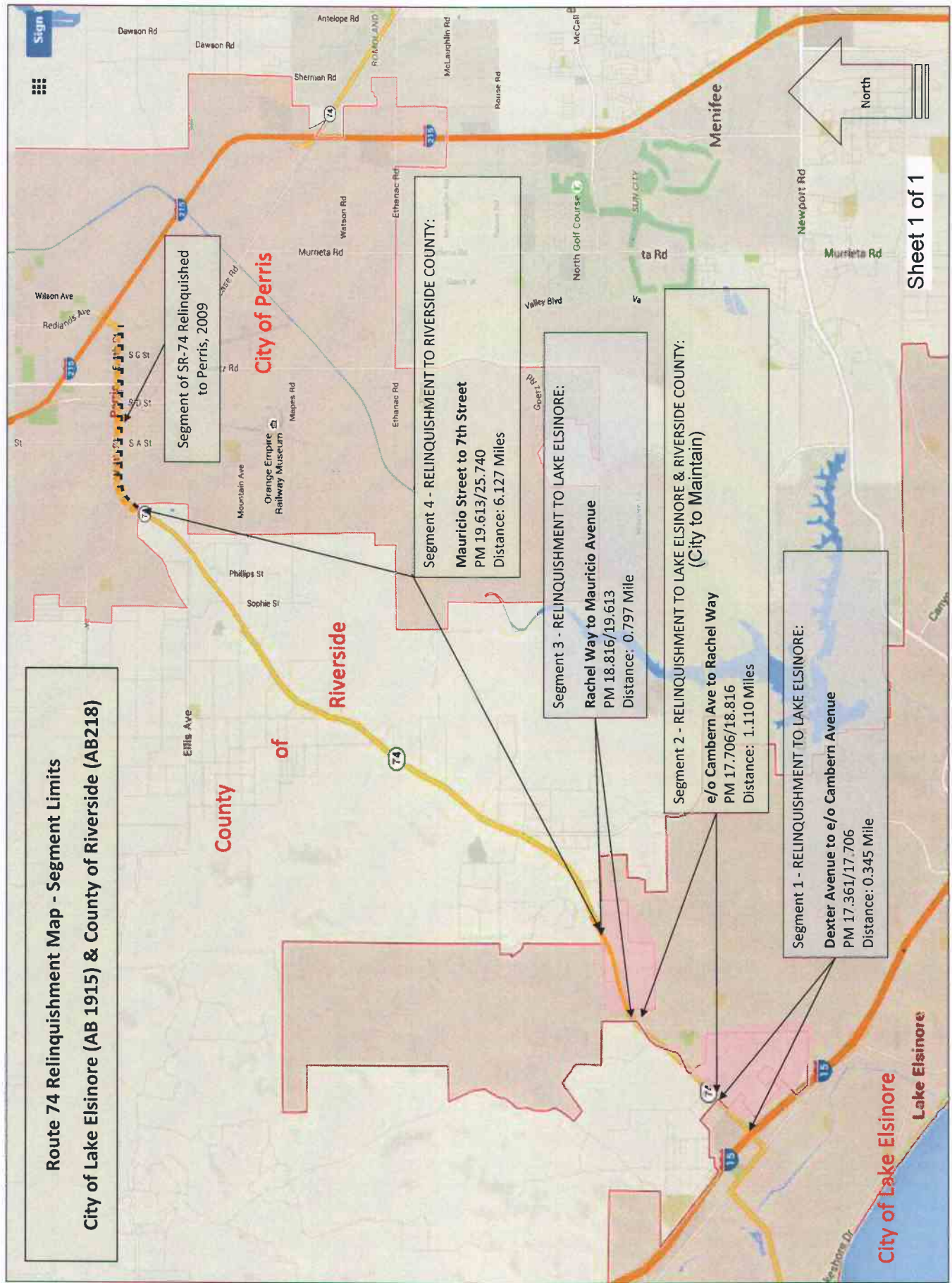
Route 74 Relinquishment Map - Segment Limits

City of Lake Elsinore (AB 1915) & County of Riverside (AB218)

EXHIBIT "A"



Vicinity Map



08-Riv-74-PM 17.70/18.83 & 19.62/25.75
From East of Cambern Avenue to West of Trellis Lane
and from Mauricio Avenue to 7th Street
EA 1H172

WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you.

Project Number 0817000023
District Agreement No. 08-1638

RELINQUISHMENT AGREEMENT

This Agreement, entered into effective on February 13 2017 is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "CALTRANS", and the

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

RECITALS

1. CALTRANS and COUNTY, pursuant to Streets and Highways Code sections 73 and 374 are authorized to enter into a Cooperative Agreement in order to relinquish to COUNTY a portion of a State Highway within COUNTY's jurisdiction.
2. CALTRANS intends to relinquish to COUNTY that portion of State Route 74 (SR 74) from East of Cambern Avenue to West of Trellis Lane and from Mauricio Avenue to 7th Street between Post Miles 17.70/18.83 and 19.62/25.75, within COUNTY jurisdiction and as shown in Exhibit A, attached to and made a part of this Agreement, referred to hereinafter as "RELINQUISHED FACILITIES". This relinquishment is based on legislation, enacted in 2015 as Assembly Bill 218. COUNTY is willing to accept said RELINQUISHED FACILITIES upon approval by the California Transportation Commission (CTC) of a Resolution of Relinquishment and CALTRANS's recording of said Resolution in the County Recorder's Office.
3. CALTRANS and COUNTY agree that RELINQUISHED FACILITIES are currently in a state of good repair. CALTRANS and COUNTY have negotiated an understanding that COUNTY will accept and assume full maintenance, ownership, responsibility, control and liability in perpetuity over the RELINQUISHED FACILITIES in exchange for the payment of \$5,800,000, an allocation deemed by CTC to be in the best interest for CALTRANS.
4. The parties hereto intend to define herein the terms and conditions under which RELINQUISHED FACILITIES is to be accomplished.

JAN 31 2017 3.22
2017-2-134165

SECTION I

COUNTY AGREES:

1. Execution of this Agreement constitutes COUNTY's waiver of CALTRANS's obligation to provide ninety (90) days prior notice of CALTRANS's "Intention to Relinquish" as set forth in Streets and Highways Code section 73.
2. To accept that allocation, determined by the CTC to be in the best interest of CALTRANS, as CALTRANS's only payment obligation for this RELINQUISHED FACILITIES.
3. To accept ownership, including all of CALTRANS's current obligations, rights, title and interest in RELINQUISHED FACILITIES upon recordation of the CTC's Resolution of Relinquishment in the County Recorder's Office and to thereafter operate, maintain, and be liable for RELINQUISHED FACILITIES at no additional cost to CALTRANS.
4. To accept RELINQUISHED FACILITIES in their current environmental condition and setting, including, but not limited to, the presence of hazardous materials as described in the Initial Site Assessment (ISA) Checklist and ISA Memo for Right of Way Relinquishment dated December 8, 2016 and the Categorical Exemption/Categorical Exclusion (CE/CE) Re-Validation Form dated December 13, 2016.. COUNTY has received and reviewed a copy of the above-referenced ISA Checklist and ISA Memo dated December 8, 2016 and the CE/CE Re-Validation Form dated December 13, 2016. . Upon recordation of the CTC's Resolution of Relinquishment in the County Recorder's Office, CALTRANS will not be responsible for any present or future remediation of said hazardous materials.
5. To maintain signs along the RELINQUISHED FACILITIES directing motorists to the continuation of SR-74, pursuant to AB 218.

SECTION II

CALTRANS AGREES:

1. To relinquish, upon the approval of the CTC's Resolution of Relinquishment, the RELINQUISHED FACILITIES.
2. To forward and support COUNTY's request to CTC for the allocation of \$5,800,000, with the expectation that CTC will determine that this allocation is in the best interest of CALTRANS.
3. To submit the CTC Resolution of Relinquishment to the County Recorder's Office for recording.

4. To pay COUNTY, within thirty (30) days of approval of funding by CTC, the amount of \$5,800,000 approved by the CTC. The payment of those funds will represent CALTRANS's only payment obligation for the purpose of the RELINQUISHED FACILITIES.
5. Thereafter, upon COUNTY's specific request, to transfer to COUNTY within sixty (60) days of such request, copies of available CALTRANS records and files for RELINQUISHED FACILITIES, such as plans, survey data and right of way information.

SECTION III

IT IS MUTUALLY AGREED:

1. All obligations of CALTRANS under the terms of this Agreement are subject to the appropriation of resources by the Legislature, State Budget Act authority, and the allocation of any funds by the CTC.
2. CALTRANS reserves the right to enter, at no cost to CALTRANS, RELINQUISHED FACILITIES, to modify or add signage, drainage, and other improvements necessary for State Highway operations. COUNTY agrees to allow CALTRANS access to operate, maintain, add, remove, or modify CALTRANS's facilities retained in those collateral facilities.
3. COUNTY shall fully defend, indemnify and save harmless CALTRANS and all its officers and employees from all claims, suits or actions related to environmental theories or assertions of liability, including, but not limited to, claims or lawsuits related to the presence of hazardous materials as described in the ISA Checklist and ISA Memo for Right of Way Relinquishment dated December 8, 2016, and the CE/CE Re-Validation Form dated December 13, 2016, provided that the actions, events, injuries, damages, or losses giving rise to any claims, suits or actions occurred on or arise after the date of the recordation of the CTC's Resolution of Relinquishment.
4. CALTRANS shall fully defend, indemnify and save harmless COUNTY and all its officers and employees from all claims, suits or actions related to environmental theories or assertions of liability, including, but not limited to, claims or lawsuits related to the presence of hazardous materials as described in the ISA Checklist and ISA Memo dated for Right of Way Relinquishment dated December 8, 2016, and the CE/CE Re-Validation Form dated December 13, 2016, provided that the actions, events, injuries, damages, or losses giving rise to any claims, suits or actions occurred or arose before the date of recordation of the CTC's Resolution of Relinquishment.

5. Neither COUNTY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CALTRANS, and/or its agents under or in connection with any work, authority or jurisdiction conferred upon CALTRANS under this Agreement. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify and save harmless COUNTY and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS, and/or its agents under this Agreement.
6. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by COUNTY, and/or its agents under or in connection with any work, authority or jurisdiction conferred upon COUNTY under this Agreement. It is understood and agreed that COUNTY, to the extent permitted by law, will defend, indemnify and save harmless CALTRANS and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by COUNTY, and/or its agents under this Agreement.
7. No alteration of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.
8. This Agreement shall terminate upon recordation of the CTC's Resolution of Relinquishment for RELINQUISHED FACILITIES in the County Recorder's Office and payment by CALTRANS of \$5,800,000 to COUNTY except for those provisions as stated under Item 3 of Recitals and Item 3 of Section I, which relate to indemnification, ownership, operation, and maintenance, which shall remain in effect until terminated or modified in writing by mutual 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



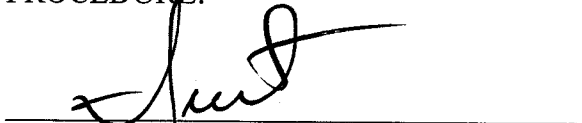
John Bulinski
District Director



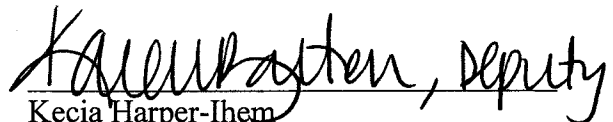
JOHN TAVAGLIONE
Chairman, Board of Supervisors

APPROVED AS TO FORM AND
PROCEDURE:

ATTEST:



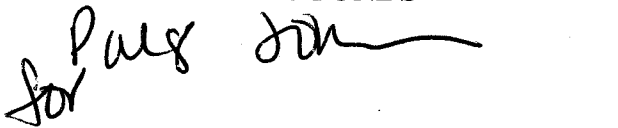
Meera Danday
Deputy Attorney
Department of Transportation



Kecia Harper-Ihem
Clerk, Board of Supervisors

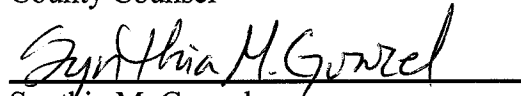
CERTIFIED AS TO FUNDS

APPROVED AS TO FORM:

for 

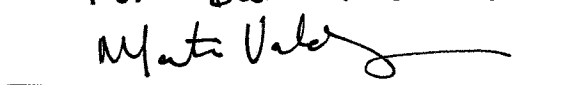
Lisa Pacheco
District Budget Manager

Gregory P. Priamos
County Counsel



Synthia M. Gunzel
Deputy County Counsel

CERTIFIED AS TO FINANCIAL TERMS
AND POLICIES:

For Darwin Salinas


Accounting Administrator