

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



**ITEM: 3.17
(ID # 17199)**

MEETING DATE:

Tuesday, October 05, 2021

FROM : TLMA-TRANSPORTATION:

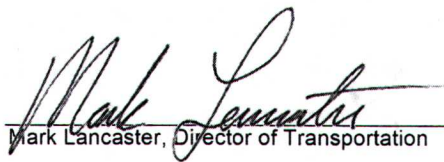
SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION DEPARTMENT: Approval of the Plans and Specifications and Authorization to Advertise for Bid the Clinton Keith Road Construction Project-Phase 3, Leon Road to State Route 79 including the French Valley Creek Bridge in the City of Murrieta and French Valley Area. Approval of the Mitigation Credit Agreement between EIP III CREDIT CO., LLC (Riverpark Mitigation Bank) and the County of Riverside for the Clinton Keith Road Construction Project – Phase 3; CEQA Finding of Nothing Further is Required. District 3. [\$27,957,095 Total Project Cost, \$418,950.00 Mitigation Credit Agreement Cost, and \$5,500 Ongoing Cost - Local Funds 100%] (Clerk to Advertise)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that nothing further is required pursuant to the California Environmental Quality Act (CEQA) because the addendum to the Supplemental Environmental Impact Report for the Clinton Keith Road Construction Project has been completed and contemplated the proposed action;

Continued on page 2

ACTION:Policy



Mark Lancaster, Director of Transportation

9/16/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 5, 2021
xc: Transp., COB

Kecia R. Harper
Clerk of the Board

By: 
Deputy

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

RECOMMENDED MOTION: That the Board of Supervisors:

2. Approve the Mitigation Credit Agreement between EIP III CREDIT CO., LLC (Riverpark Mitigation Bank) and the County of Riverside for the Clinton Keith Road Construction Project – Phase 3, in the amount of \$418,950.00;
3. Authorize the Chair of the Board to execute the Mitigation Credit Agreement on behalf of the County;
4. Approve the plans and specifications for the Clinton Keith Road Construction Project-Phase 3, Leon Road to State Route 79 Including French Valley Creek Bridge in the City of Murrieta and French Valley Area; and
5. Authorize the Clerk of the Board to advertise for bids to be received by the office of the Director of Transportation and Land Management at the Transportation Annex located at 3525 14th Street, Riverside, California 92501. All bids must be received up to the hour of 2:00 p.m., Wednesday, November 3, 2021 at which time bids will be opened.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 12,500,000	\$ 15,876,045	\$ 28,376,045	\$ 5,500
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: TUMF – Southwest zone (WRCOG) (2.2%), Southwest Area R&BBD (25.8%), and CFD 07-2 Clinton Keith Road (72.0%) There are no General Funds used in this project			Budget Adjustment: No	
			For Fiscal Year: 21/22, 22/23	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Riverside County Transportation Department is proposing to construct the Clinton Keith Road Construction Project-Phase 3, including the French Valley Creek Bridge extending from Leon Road to State Route 79 in the City of Murrieta and French Valley Area of Riverside County. The construction of Phase 3 of Clinton Keith Road is needed to provide a complete six-lane east-west urban arterial that connects Interstate 215 (I-215) with State Route 79 (SR-79)/Winchester Road.

Construction of the Clinton Keith Road between I-215 and SR-79/Winchester Road was separated into four phases to best utilize available funds.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Phase 1 was completed by the City of Murrieta in 2011, which included full six-lane improvements on Clinton Keith Road between I-215 and Whitewood Road.

Phase 2 consisted of a four-lane extension between Whitewood Road and Leon Road and its completion was accepted by Minute Order dated March 10, 2020 (Agenda Item 3.36).

Due to the cost savings from favorable construction bids received during Phase 2, the County of Riverside chose to construct Phase 4 concurrently with Phase 2. Phase 4 consisted in the construction of two additional lanes and median to conform Clinton Keith Road to an ultimate six-lane urban arterial highway configuration. Construction completion of Clinton Keith Road Construction Project Phase 4 from Whitewood Road to Leon Road was accepted by Minute Order dated February 11, 2020 (Agenda Item 3.29).

Phase 3 is the final phase needed to complete the much needed six-lane urban arterial corridor from I-215 to SR-79/Winchester Road. Phase 3 consists of constructing the extension of Clinton Keith Road from Leon Road to SR-79/Winchester Road and includes construction of a bridge over French Valley Creek, installation of a new traffic signals at the intersections of Clinton Keith Road and Leon Road, and at Clinton Keith Road and Porth Road. The improvements also include a signal modification at SR-79/Winchester Road and Benton Road, and a large double-arch storm drain culvert and retaining wall system to be constructed just south of Leon Road.

The submitted plans and specifications have been approved as to form by County Counsel.

The Phase 3 bid documents include two sets of plans for the following bid schedule of work:

- Base Bid Schedule 1: Clinton Keith Road improvements (Leon Road to French Valley Creek)
- Base Bid Schedule 2: Murrieta Market Place Improvements (French Valley Creek to SR-79)

Combined, Bid Schedule 1 and Bid Schedule 2 will construct the 6-lane improvements between Leon Road and SR-79 completing the Clinton Keith Road urban arterial project between I-215 and SR-79.

The Transportation Department will select the contractor based upon the lowest responsive and responsible bid.

To construct the project, compliance with the regulatory permit issued by the California Department of Fish and Wildlife requires compensatory mitigation, which shall be satisfied through the purchase of mitigation credits from the Riverpark Mitigation Bank. The credits in the amount of \$418,950.00 will be funded as part of the project cost.

Construction is expected to begin in early 2022.

Project No. B2-04723

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Environmental Findings

On June 2, 2015 (Agenda item 3-28) the Board of Supervisors adopted Resolution No. 2015-097 to consider the addendum to the approved Supplemental Environmental Impact Report No. 398 (SEIR) and found that no further environmental documentation was required because only minor changes or additions were necessary, which did not meet the conditions described in State CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR.

The approved Addendum to the SEIR included the construction of Phase 3 of the Clinton Keith Road Extension project. The purchase of credits from the Riverpark Mitigation Bank is an action implementing the project, in accordance with the Addendum to the SEIR. Therefore, CEQA compliance has been completed and no further action is required under CEQA.

Impact on Citizens and Businesses

Public outreach to area residents and schools will occur prior to and throughout construction. A traffic management plan will be in place to address access during construction for residents and emergency vehicles.

Constructing the remaining segment of the 6-lane urban arterial Clinton Keith Road will provide the much-needed connection between I-215 and SR-79/Winchester Road enhancing public safety and improving traffic circulation for local residents and businesses.

Construction of phase 3 has been coordinated with the future development projects located south west of the Clinton Keith Road and Leon Road intersection, and at the north west quadrant of Clinton Keith Road and SR-79.

The construction duration is expected to be 18 months with construction anticipated to begin early 2022 and completed in summer of 2023.

SUPPLEMENTAL:

Additional Fiscal Information

The construction contract is estimated to cost approximately \$27,957,095, and the mitigation credits are expected to cost roughly \$418,950, for a total approximate cost of \$28,376,045.

The project will be funded with Transportation Uniform Mitigation Fee (TUMF) Southwest zone (WRCOG), Southwest Area Road and Bridge Benefits District (RBBB) and Clinton Keith Road Community Facilities District (CFD).

Annual traffic signal operation and maintenance costs are estimated at \$5,500 to be funded from gas tax.

There are no General Funds used in this project.

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

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Vicinity Map

Notice to Bidders

Mitigation Credit Agreement

Specifications and Contract Documents Cover Page



Jason Farin, Principal Management Analyst 9/29/2021



Gregory H. Priamos, Director County Counsel 9/24/2021

SPECIFICATIONS and CONTRACT DOCUMENTS
for the
CONSTRUCTION
of

Clinton Keith Road Construction Project – Phase 3
Leon Road to State Route 79 Including French Valley Creek Bridge
In the City of Murrieta and French Valley Area
Project No. B2-04723



TRANSPORTATION DEPARTMENT

FORM APPROVED COUNTY COUNSEL

BY: 
DANIELLE D. MALAND

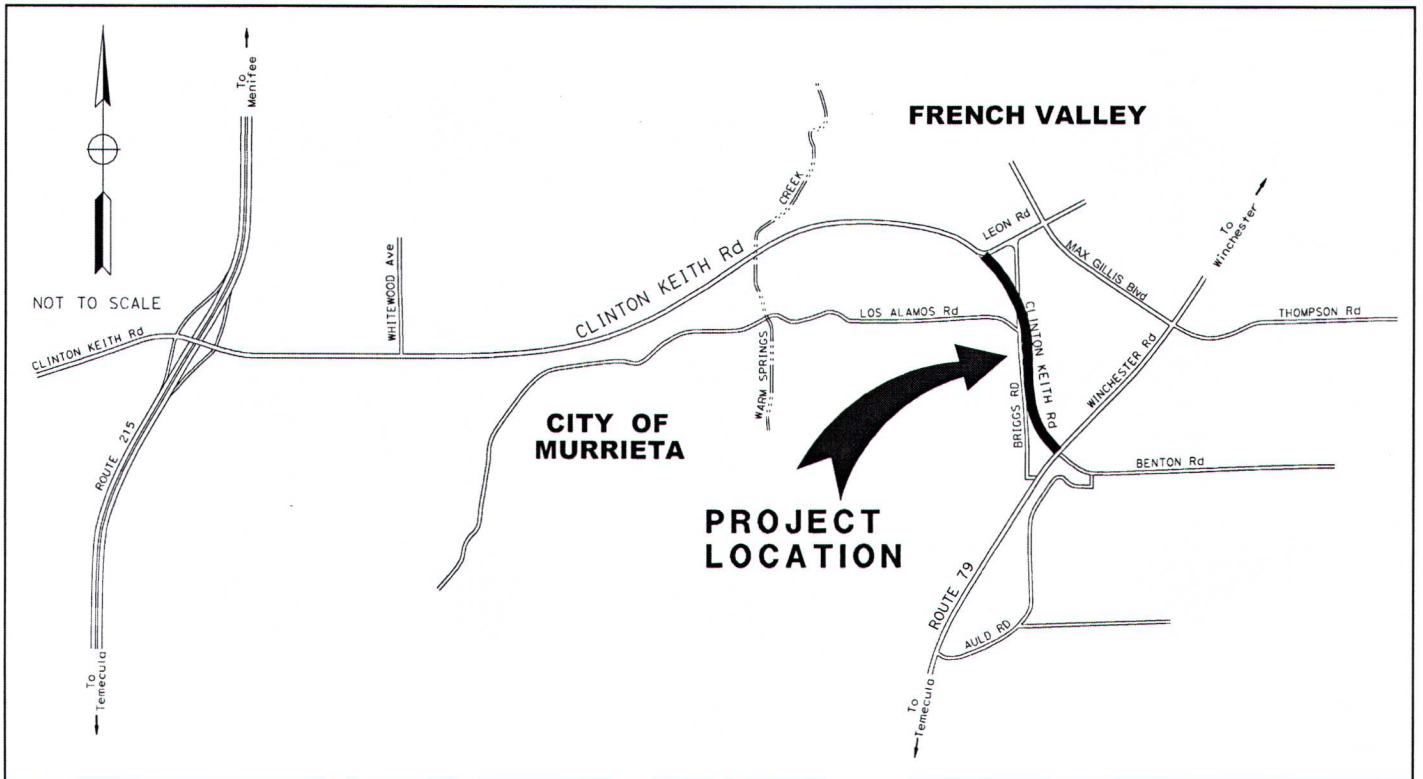
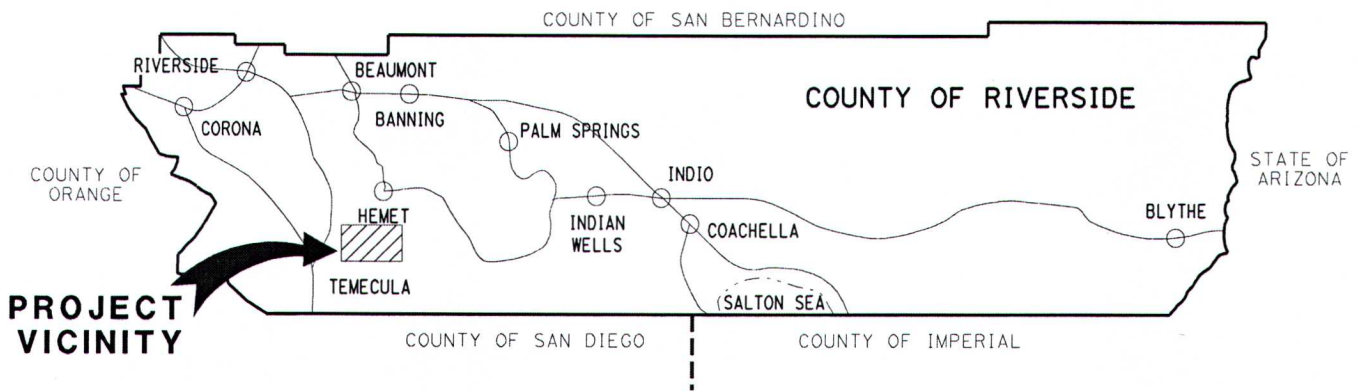
COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT

CLINTON KEITH ROAD CONSTRUCTION PROJECT - PHASE 3

**LEON ROAD TO STATE ROUTE 79
INCLUDING FRENCH VALLEY CREEK BRIDGE**

IN THE CITY OF MURRIETA AND FRENCH VALLEY AREA

PROJECT No. B2-04723



VICINITY MAP



AGREEMENT FOR SALE OF CREDITS

This Agreement is entered into this ____ day of _____, 2021, by and between EIP III CREDIT CO., LLC, a Delaware limited liability company (Bank Sponsor) and COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT (Project Proponent), jointly referred to as the “Parties,” as follows:

RECITALS

A. The Bank Sponsor has developed the Riverpark Mitigation Bank (Bank) located in Riverside County, California; and

B. The Bank has been developed pursuant to a Bank Enabling Instrument (BEI) entered into by and between Bank Sponsor, the Los Angeles District of the U.S. Army Corps of Engineers (USACE) (File No. SPL-2015-00318), United States Fish and Wildlife Service (USFWS), the California Regional Water Quality Control Board, Region 8 (Regional Water Boards), and the California Department of Fish and Wildlife (CDFW) (Tracking No. 1798-2015-01-R6), on December 17, 2019, and

C. Project Proponent is seeking to implement the project described on Exhibit “A” attached hereto (Project), which would unavoidably and adversely impact Riverine Wetland, and seeks to compensate for the loss of Riverine Wetland by purchasing Credits from Bank Sponsor; and

D. Project Proponent has been authorized by CDFW: EPIMS 16059-R6 to purchase from the Bank 1.71 rehabilitation CDFW mitigation Credits, upon confirmation by the Bank Sponsor of Credit availability/adequate balance of Credits remaining for Transfer; and

E. Project Proponent desires to purchase from Bank Sponsor and Bank Sponsor desires to sell to Project Proponent 1.71 rehabilitation CDFW mitigation Credits;

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.

OCT 05 2021 3.17

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Bank Sponsor hereby sells to Project Proponent and Project Proponent hereby purchases from Bank Sponsor 1.71 rehabilitation CDFW mitigation Credits. The Bank Sponsor will upon receipt of the Purchase Price deliver to Project Proponent an executed Bill of Sale in the manner and form as attached hereto and marked Exhibit "B". The Purchase Price for said Credits shall be paid by ACH payment or wire transfer of funds according to written instructions provided by Bank Sponsor to Project Proponent.

2. The sale and transfer herein are not intended as a sale or transfer to Project Proponent of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.

3. Project Proponent shall have no obligation whatsoever by reason of the purchase of the Credits, to support, pay for, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the Credits sold, or the Bank. Pursuant to the BEI and any amendments thereto, Bank Sponsor shall monitor and make reports to the appropriate agency or agencies on the status of any Credits sold to Project Proponent. Bank Sponsor shall be fully and completely responsible for satisfying any and all conditions placed on the Bank or the Credits by all state or federal jurisdictional agencies.

4. The Credits sold and transferred to Project Proponent shall be non-refundable, non-transferable and non-assignable to any project other than the one listed herein, and shall not be used as compensatory mitigation for any other project or purpose, except as set forth herein.

5. Project Proponent must exercise his/her/its right to purchase the Credits within 30 days of the date this Agreement is provided to the Project Proponent. Without Bank Sponsor approval, after the 30-day period this Agreement will be considered null and void.

6. Upon purchase of the Credits specified in Recital D above, the Bank Sponsor shall submit to the parties listed in the Notices section of the BEI, copies of the: a) Agreement for Sale of Credits; b) Bill of Sale; c) Payment Receipt; and d) an updated ledger. The updated ledger must detail: i) Project Proponent; ii) Project Name; iii) Status (sale complete/sale not complete); iv) Credit Sale Date; v) Permitting Agency File/Tracking Number; vi); vii) Total Number of Credits Authorized to Sell; viii) Total Number of Credits Sold to Date (inclusive); and ix) Balance of all Credits Available. The ledger should include all sales data from bank establishment to the present.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

BANK SPONSOR

EIP III CREDIT CO., LLC, a Delaware limited liability company

By: _____
Name: Nick Dilks
Its: Manager

PROJECT PROPONENT

RIVERSIDE COUNTY TRANSPORTATION DEPARTMENT

By: Mark Lancaster
Name: Mark Lancaster
Its: Director of Transportation

COUNTY OF RIVERSIDE

By: Karen S. Spiegel
Name: Karen Spiegel
Its: Chair, Board of Supervisors

ATTEST:
KECIA R. HARPER, Clerk of the Board

By: Yvonne LaRosa
DEPUTY

APPROVED AS TO FORM:
GREGORY P. PRIAMOS

By: Aaron C. Gettis
AARON C. GETTIS
Supervising Deputy County Counsel

Exhibit "A"
DESCRIPTION OF PROJECT TO BE MITIGATED

Name of Project:

Clinton Keith Road Extension Project, Segment 4 (Phase 3)

Project Location:

Between Leon Road and SR-79 at Benton Road in Unincorporated Riverside County and the City of Murrieta

Permitting Agencies File/Tracking Number:

CDFW: EPIMS 16059-R6

RWQCB: SARWQCB Project: R9-2021-0046 (No Riverpark Credits required)

USACE: SPL-2019-00073-MY (No Riverpark Credits required)

Project Description:

The Riverside County Transportation Department (County), in cooperation with the City of Murrieta, proposes to construct a six-lane urban arterial in the City of Murrieta and unincorporated Riverside County that would extend the existing Clinton Keith Road between Leon Road and State Route 79 (SR 79). This is the last segment of the overall project and is known as Segment 4 or Phase 3.

Species/Habitat Affected:

RCTD is seeking to mitigate for impacts to 0.88 acres of non-LBV occupied riparian habitat and 0.83 acres of non-riparian habitat. Refer to mitigation table summary below.

Table 1. Mitigation Summary Table

Habitat Type	Total Mitigation (ac)	Mitigation Habitat Available at IMP Site (ac)	Additional Mitigation Acreage Needed	Warm Springs Creek Restoration (ac)	Riverpark Mitigation Bank Rehabilitation (ac)	Total Mitigation Acres
Wetlands/Riparian Habitat (LBV)	3.38	2.13	1.25	1.30	0.0	3.43
Wetlands/Riparian (non-LBV)	0.78	0.05	0.73	0	0.88	0.93
Non-riparian	1.5	0.67	0.83	0	0.83	1.5
Total	5.66	2.85	2.79	1.30	1.71	5.86

Credits to be Purchased:

1.71 rehabilitation

Method of payment:

Wire Transmittal ACH Payment Check

Exhibit "B"
BILL OF SALE

Contract # 21__-RP

Permitting Agency File/Tracking No(s). CDFW: EPIMS 16059-R6.

In consideration of \$418,950.00, receipt of which is hereby acknowledged, EIP III Credit Co., LLC (Bank Sponsor), does hereby bargain, sell and transfer to COUNTY OF RIVERSIDE (Project Proponent), for the Clinton Keith Road Extension Project, Segment 4 (Phase 3) project, 1.71 rehabilitation CDFW mitigation Credits in the Riverpark Mitigation Bank in Riverside County, California, developed, and approved under the authority of the Los Angeles District of the U.S. Army Corps of Engineers (USACE), United States Fish and Wildlife Service (USFWS), the California Regional Water Quality Control Board, Region 8 (Regional Water Boards), and the California Department of Fish and Wildlife (CDFW), as mitigation for the Project described in Attachment 1.

Bank Sponsor represents and warrants that it has good title to the Credits, has good right to sell the same, and that they are free and clear of all claims, liens, or encumbrances.

Bank Sponsor covenants and agrees with the Project Proponent to warrant and defend the sale of the Credits hereinbefore described against all and every person and persons whomsoever lawfully claiming or to claim the same.

DATED: _____

EIP III CREDIT CO., LLC, a Delaware limited liability company

By: _____

Name: Nick [REDACTED]

Its: Manager

SAMPLE

Attachment 1
Riverpark Mitigation Bank
WETLAND CREDITS: PAYMENT RECEIPT

PROJECT PROPONENT INFORMATION

Name:

COUNTY OF RIVERSIDE

Address:

4080 Lemon Street
Riverside, CA 92501
(951) 955-6743
Telephone (951) 955-6743

Contact:

Mark Lancaster
Director of Transportation
Email: MLancaster@Rivco.org

PROJECT INFORMATION

Project Description:

The Riverside County Transportation Department (County), in cooperation with the City of Murrieta, proposes to construct a six-lane urban arterial in the City of Murrieta and unincorporated Riverside County that would extend the existing Clinton Keith Road between Leon Road and State Route 79 (SR 79). This is the last segment of the overall project and is known as Segment 4 or Phase 3.

Project Location:

Between Leon Road and SR-79 at Benton Road in Unincorporated Riverside County and the City of Murrieta

Agency File/Tracking Number(s):

CDFW: EPIMS 16059-R6
RWQCB: SARWQCB Project: R9-2021-0046 (No Riverpark Credits required)
USACE: SPL-2019-00073-MY (No Riverpark Credits required)

Species/Habitat Affected:

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Credits to be Purchased:
1.71 rehabilitation

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Wetlands/Riparian (non-LBV)	0.78	0.05	0.73	0	0.88	0.93
Non-riparian	1.5	0.67	0.83	0	0.83	1.5
Total	5.66	2.85	2.79	1.30	1.71	5.86

Table 1. Mitigation Summary Table