

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



**ITEM: 3.61
(ID # 22548)**

MEETING DATE:
Tuesday, August 01, 2023

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Approval of Amendment No. 1 to Cooperative Agreement Between the County of Riverside, the Riverside County Flood Control and Water Conservation District and Cal-Equity, L.P. for Romoland – Dawson Road Lateral Storm Drain, Stage 1 (Tract No. 37358-2), Project No. 4-0-00426, Nothing Further is Required Under CEQA, District 3. [\$0] (Companion Item to MT Item No. 22391)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that nothing further is required under the California Environmental Quality Act (CEQA) because the Cooperative Agreement and acceptance of the flood control facilities will not have a significant adverse effect on the environment and any potentially significant environmental effects have been adequately analyzed in Mitigated Negative Declaration (EA No. CEQ180047) adopted by the Lead Agency (Riverside County) on March 9, 2021;

Continued on page 2

ACTION:Policy

Mark Lancaster

Mark Lancaster, Director of Transportation 7/21/2023

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Perez, Washington, and Gutierrez
Nays: None
Absent: None
Date: August 1, 2023
xc: Trans., Flood

Kimberly A. Rector
Clerk of the Board

By: *Cindy Gandy*
Deputy

(Companion Item 11.4)

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

RECOMMENDED MOTION: That the Board of Supervisors:

2. Approve the Amendment No. 1 to Cooperative Agreement between the County of Riverside ("County"), the Riverside County Flood Control and Water Conservation District ("District"), and Cal-Equity, L.P. ("Developer");
3. Authorize the Chair of the Board of Supervisors to execute the Amendment No. 1 to Cooperative Agreement documents on behalf of the County; and
4. Authorize the Director of Transportation or designee to take all necessary steps to implement the Assignment and Assumption Agreement including, but not limited to negotiating, approving, and executing any non-substantive amendments and any assignment and assumption associated with change of ownership of the property, subject to approval as to form by County Counsel.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Developer Funded 100%. No General Funds will be used on this project.			Budget Adjustment: No	
			For Fiscal Year: NA	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On October 18, 2022 (Agenda Item No. 3.47), the Board of Supervisors approved the Cooperative Agreement between the County, District and Developer which set forth the terms and conditions by which certain flood control facilities required as a condition for approval for Tract Map No. 37358-2 are to be constructed by Developer and inspected and maintained by the County and District.

The Amendment No. 1 to Cooperative Agreement ("Agreement") 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 County will assume ownership, operation and maintenance of certain lateral connector pipes thirty-six inches (36") or less in diameter located within the County's rights of way and certain catch basins, curb and gutters, manholes, concrete bulkhead and sewer encasement. The District will assume ownership, operation and maintenance of the Romoland – Dawson Road Lateral Storm Drain system greater than thirty-six inches (36") located within the District's rights of way and associated outlet structure, concrete forebay, concrete headwall, concrete sill, manholes, riprap and safety devices.

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

County Counsel has approved the Amendment No. 1 to Cooperative Agreement as to legal form, and the Developer has executed the Agreement. A companion item appears on the Riverside County Flood Control and Water Conservation District's agenda on the same date.

Environmental Findings

The County previously approved the Initial Study/Mitigated Negative Declaration (IS/MND) that was prepared for the Tract Map No. 37358-2 Project (EA No. CEQ180047). The County acting as CEQA lead agency finds that the inspection, acceptance, operation, and maintenance as described in the Agreement are adequately addressed by the IS/MND. The terms of ownership, operation, and maintenance between the County and District as described in this Agreement will not have a significant impact on the environment. Therefore, no further analysis is required under CEQA. None of the triggers under Section 15162 of the State CEQA Guidelines applies. Therefore, no further analysis is required under CEQA.

Impact on Residents and Businesses

Construction of these drainage improvements is a requirement for the development of Tract Map No. 37358-2. The principal beneficiaries are the future residents of the tract. Ancillary benefits will accrue to the public who will utilize the tract's roadways.

Additional Fiscal Information

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

ATTACHMENTS:

Vicinity Map
Amendment No. 1 to Cooperative Agreement



Jason Farin, Principal Management Analyst 7/25/2023



Aaron Gettis, Deputy County Counsel 7/24/2023

AMENDMENT NO. 1
to COOPERATIVE AGREEMENT
 Romoland – Dawson Road Lateral Storm Drain, Stage 1
 Project No. 4-0-00426
 Tract Map No. 37358-2

This Amendment No. 1 to Cooperative Agreement ("Amendment"), dated as of August 1, 2023, is entered into by and between the Riverside County Flood Control and Water Conservation District, a body politic ("DISTRICT"), the County of Riverside, a political subdivision of the State of California, on behalf of its Transportation Department ("COUNTY"), and Cal-Equity, LP, a California limited partnership ("DEVELOPER"). DISTRICT, COUNTY and DEVELOPER are individually referred to herein as "Party" and collectively referred to herein as the "Parties". Parties hereto hereby agree as follows:

RECITALS

A. DISTRICT, COUNTY and DEVELOPER have previously entered into that certain Agreement which was executed on October 18, 2022 (DISTRICT Board Agenda Item No. 11.4; COUNTY Board Agenda Item No. 3.47), and recorded as Document No. 2022-0464538 in the Official Records of the County of Riverside and is hereinafter called ("AGREEMENT"), setting forth 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 Tract Map No. 37358-2 located in an unincorporated area of western Riverside County, State of California (hereinafter, the "PROJECT"); and

B. Subsequent to the execution of said AGREEMENT, 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 addition of certain DISTRICT operation and maintenance responsibilities of PROJECT as described in AGREEMENT; and

C. Parties now desire to amend AGREEMENT to define the associated responsibilities of PROJECT as described in AGREEMENT, as well as replace Exhibit "B" with Exhibit "B-1" in AGREEMENT is attached hereto.

D. Section IV.21 of AGREEMENT specifies that AGREEMENT may be changed or modified subject to the written consent of Parties; and

NOW, THEREFORE, in consideration of the preceding recitals and the mutual covenants hereinafter contained, Parties hereto mutually agree to amend AGREEMENT as follows, effective upon approval of this Amendment by DISTRICT's General Manager – Chief Engineer:

1. AGREEMENT is hereby amended as follows:
 - (i) Exhibit "B" to AGREEMENT is hereby deleted in its entirety and replaced by the attached Exhibit "B-1" and made a part hereof.
 - (ii) Approximately 496 lineal feet of 48-inch and 42-inch reinforced concrete pipes as shown in concept in red on Exhibit "B-1" (ROMOLAND – DAWSON ROAD LATERAL STORM DRAIN, STAGE 1"), and its associated outlet structure, concrete forebay, concrete headwall, concrete sill with 12-inch x 6-inch slot, and riprap will convey flows at its downstream terminus to a proposed privately-owned and maintained water quality detention basin; and
2. Except to the extent specifically deleted, added to, or amended herein, all of the terms, covenants and conditions of said AGREEMENT executed on October 18, 2022, shall remain in full force and effect between Parties hereto.
3. This Amendment may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument.

IN WITNESS WHEREOF, Parties hereto have executed this Agreement on

August 1, 2023
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

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

By *J. Uhley*
JASON E. UHLEY
General Manager-Chief Engineer

By *Karen S. Spiegel*
KAREN SPIEGEL, Chair
Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:

ATTEST:

MINH C. TRAN
County Counsel

KIMBERLY RECTOR
Clerk of the Board

By *Caroline Monroy*
CAROLINE MONROY
Deputy County Counsel

By *Cindy Jurek*
Deputy

(SEAL)

[Signed in Counterpart]

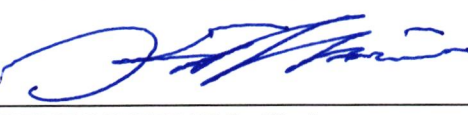
Amendment No. 1 to Cooperative Agreement
Romoland – Dawson Road Lateral Storm Drain, Stage 1
Project No. 4-0-00426
Tract Map No. 37358-2
06/26/23
MM:blm

RECOMMENDED FOR APPROVAL:

COUNTY OF RIVERSIDE

By 

MARK LANCASTER
Director of Transportation

By 

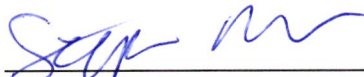
KEVIN JEFFRIES, Chair
Board of Supervisors

APPROVED AS TO FORM:

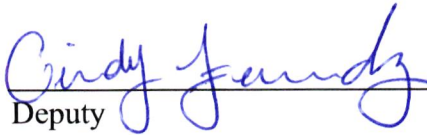
ATTEST:

MINH C. TRAN
County Counsel

KIMBERLY RECTOR
Clerk of the Board

By 

STEPHANIE K. NELSON
Deputy County Counsel

By 

Deputy

(SEAL)

[Signed in Counterpart]

Amendment No. 1 to Cooperative Agreement
Romoland – Dawson Road Lateral Storm Drain, Stage 1
Project No. 4-0-00426
Tract Map No. 37358-2
06/26/23
MM:blm

CAL-EQUITY, LP a California limited partnership

By: Pacific Housing LLC,
a California limited liability company,
its General Partner

By  _____
NELSON CHUNG
Managing Member

By  _____
CHRISTINE CHUNG
Managing Member

(ATTACH NOTARY WITH CAPACITY STATEMENT)

Amendment No. 1 to Cooperative Agreement
Romoland – Dawson Road Lateral Storm Drain, Stage 1
Project No. 4-0-00426
Tract Map No. 37358-2
06/26/23
MM:blm

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

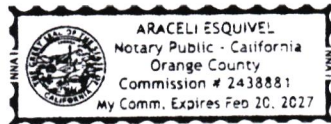
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)
On 6/29/23 before me, Araceli Esquivel, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Nelson chung & Christine chung
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 [Handwritten Signature]
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

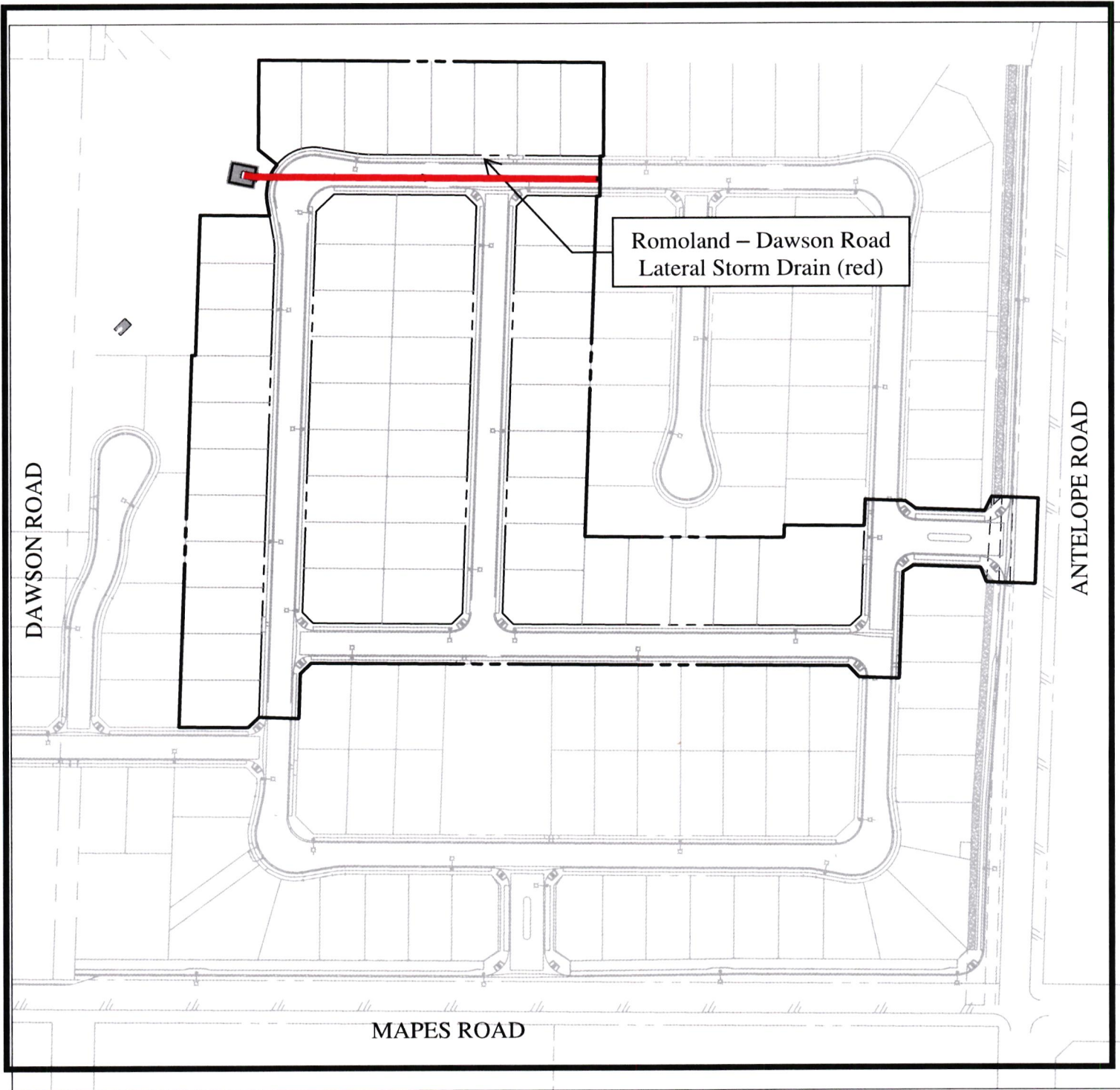
Title or Type of Document: Amendmet NO.1 Document Date: 6/29/23
Number of Pages: 6 Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Nelson chung
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: Manager
Signer Is Representing: Pacific Housing, LLC

Signer's Name: Christine chung
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: Manager
Signer Is Representing: Pacific Housing, LLC

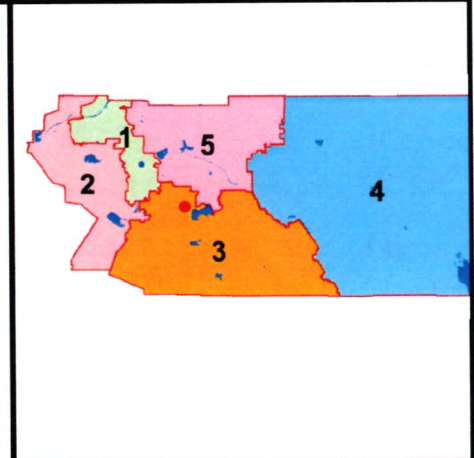
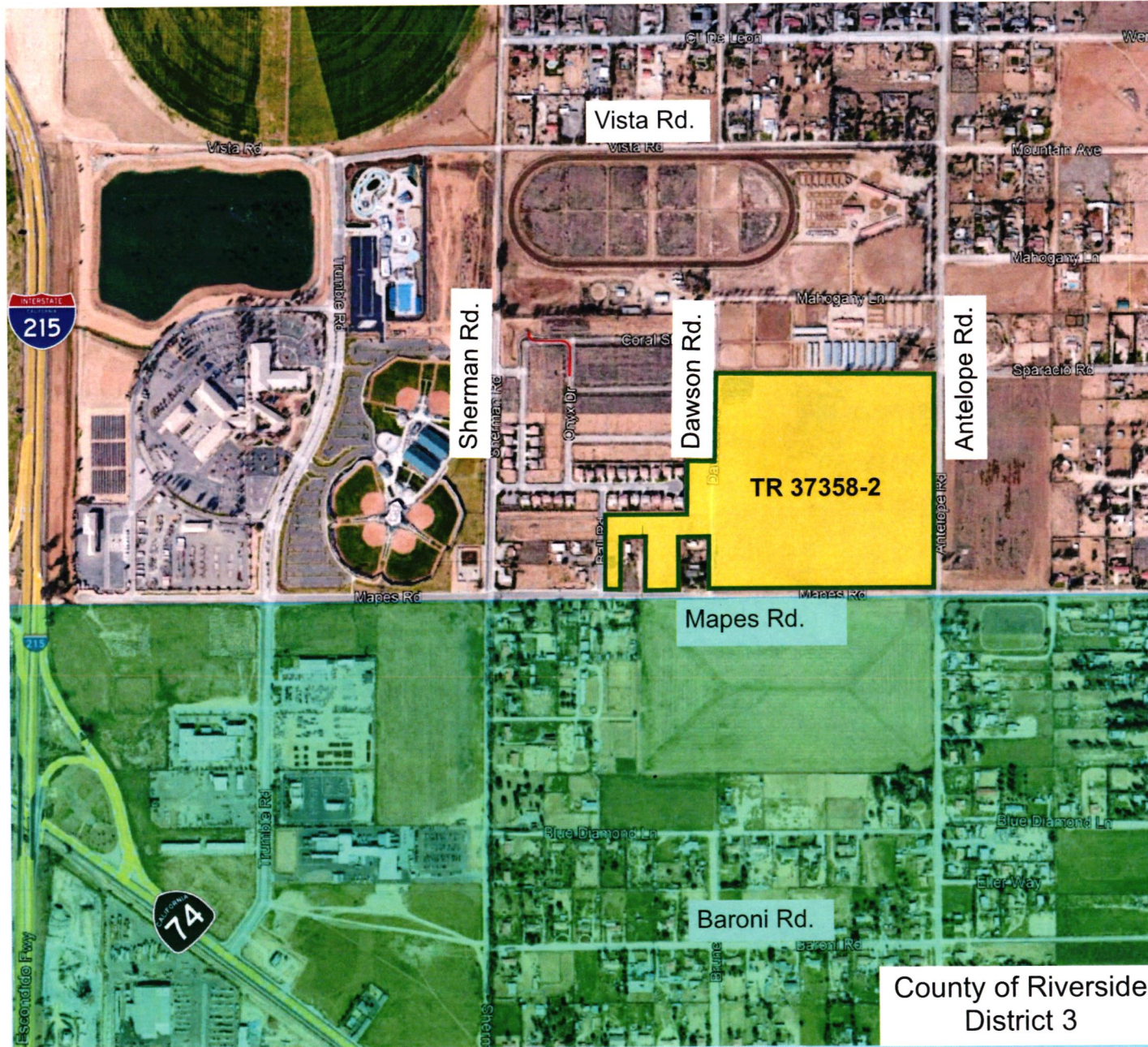
EXHIBIT "B-1"



AMENDMENT NO. 1
to
COOPERATIVE AGREEMENT
Romoland - Dawson Road Lateral Storm Drain
Project No. 4-0-00426
Tract Map No. 37358-2



SCALE: 1"=200'



- Legend**
- Project Vicinity
 - Existing Facilities
 - City of Menifee
 - Supervisorial District

Description

Romoland - Dawson Road
Lateral Storm Drain, Stage 1
Project No. 4-0-00426
Tract Map No. 37358-2

VICINITY MAP

