

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



**ITEM: 3.35
(ID # 24515)**

MEETING DATE:
Tuesday, April 02, 2024

FROM : TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Ratify and Execute Amendment No. 1 with Murphy & Evertz, Attorneys at Law, effective December 31, 2023, for Legal Counsel and Services for the Gilman Springs Road Safety Improvement Project. District 5. [\$250,000 Total Amendment Cost, \$350,000 Total Agreement Cost - Local Funds 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify Amendment No. 1 of the Legal Services Agreement between the County of Riverside and Murphy & Evertz, Attorneys at Law, for legal counsel and services for the Gilman Springs Rd Safety Improvement Project; and authorize the Chair of the Board to execute the same.

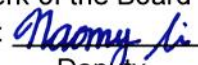
ACTION:Policy


Patricia Romo, Director of Transportation 3/14/2024

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, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: April 2, 2024
xc: Trans.

Kimberly A. Rector
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 200,000	\$ 50,000	\$ 250,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Gas Tax (HUTA) (100%) There are no General Funds used in this project.			Budget Adjustment: No For Fiscal Year: 23/24-26/27	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The County of Riverside Transportation Department is proposing to widen Gilman Springs Road from approximately 1.7 miles south of Alessandro Boulevard to approximately 1 mile south of Bridge Street and covers approximately 4.3 miles. The project is needed to improve traffic safety and operations by providing a single twelve-foot lane in each direction with approximately five-foot paved shoulders with rumble strips to help alert drivers who may stray from the travel lanes, additional five-foot graded dirt shoulders, a four-foot-wide double yellow striped center median with reflective delineators and rumble strips, and a passing lane for the north/west direction of travel for approximately 1.3 miles in length.

The project will be funded in part with Federal Highway Safety Improvement Program funds and requires the partial acquisition of approximately 48 parcels owned by 16 owners.

By Minute Order 3.4 of December 8, 2020, the Board of Supervisors approved a pre-qualified list of Real Estate Service Firms in accordance with Board Policy H-7, which allows the County to hire Murphy and Evertz, Attorneys at Law, for legal counsel and services related to property acquisition up to \$100,000 per project per fiscal year.

On June 1, 2023, the Transportation Department entered into a Legal Services Agreement with Murphy & Evertz, Attorney at Law, for legal counsel and services related to the acquisition of property needed for the Gilman Springs Rd Safety Improvement Project.

In order to meet the funding deadline and secure Federal Highway Safety Improvement Program funds, the Transportation Department sought to expedite right-of-way acquisitions through eminent domain, which provides the Transportation Department with an Order of Possession to utilize the needed property. At the same time, final settlement negotiations with owners are still ongoing. Settlements with all property owners has yet to be achieved, and access to focused legal assistance provided by Murphy & Evertz is a necessity to complete the project.

Amendment No. 1 provides a time extension through December 31, 2026, and additional compensation in the amount of \$250,000, with an amended total contract amount not to exceed

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\$350,000. Right-of-way negotiations and acquisitions have been more complex than hoped, and continued assistance from Murphy & Evertz is needed to supplement the work of the County Counsel's Office.

Original authorization:	\$100,000
<u>Authorized by Amendment No. 1:</u>	<u>\$250,000</u>
Total	\$350,000

County Counsel has approved the Agreement as to form.

Impact on Residents and Businesses

The expertise and support of Murphy & Evertz will facilitate the completion of remaining land acquisition activities for of this important project.

Construction of the Gilman Springs safety project is expected to begin in early fall of 2024.

SUPPLEMENTAL:

Additional Fiscal Information

The work performed by Murphy and Evertz will be funded by Gas Tax (HUTA). No net County costs will be expended.

Project No. C2-0161 – Gilman Springs Rd Safety Improvement Project

Attachments:

Vicinity Map – Gilman Springs Improvement Project
Amendment No.1



Jason Farin, Principal Management Analyst 3/28/2024



George Trindle, CHIEF ASST COUNTY COUNSEL 3/21/2024

1 **AMENDMENT No. 1**

2 **Amendment to the Legal Services Agreement between**

3 **The County of Riverside and Murphy & Evertz, Attorneys at Law**

4 THIS FIRST AMENDMENT to the Legal Services Agreement is made and entered into as of this 02 day of
5 April, 2024, by and between the County of Riverside, a political subdivision of the State of California
6 (hereinafter the "COUNTY"), and Murphy & Evertz, Attorneys at Law (hereinafter "ATTORNEYS").

7 **RECITALS**

- 8 A. COUNTY and ATTORNEYS have entered in an agreement entitled "LEGAL SERVICES AGREEMENT"
9 (hereinafter the "Agreement") with a June 1, 2023, effective date. The Agreement provides the terms and
10 conditions, statement of services and budget for the performance of legal services related to all aspects of
11 the Gilman Springs Road Improvement Project (hereinafter "PROJECT") and any condemnation and/or
12 inverse condemnation actions associated with this PROJECT.
- 13 B. The Agreement expires on June 30, 2025.
- 14 C. Due to an increase in the number of eminent domain cases necessary to effectuate the PROJECT, the
15 original amount of the Agreement is insufficient.

16 **AGREEMENT**

17
18 NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

- 19 1. Section 6. Compensation. The total amount of compensation paid to ATTORNEY is increased from One
20 Hundred Thousand Dollars (\$100,000) to Three Hundred and Fifty Thousand Dollars (\$350,000).
- 21 2. The term of the legal services agreement is hereby amended to extend the expiration of the
22 Agreement to December 31, 2026, or the completion of the last work assignment, whichever occurs first,
23 unless terminated earlier.
- 24 3. Except to the extent specifically modified or amended hereunder, all of the terms, covenants and conditions
25 of the Agreement shall remain in full force and effect between the parties hereto.
- 26 4. This First Amendment shall be effective December 1, 2023. Regardless of the First Amendment's effective
27 date, the additional funds provided by the First Amendment may be used to compensate ATTORNEY for
28 work perform prior to December 1, 2023.
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1 IN WITNESS HEREOF, the parties hereto have caused this Amendment to the Agreement to be duly executed
2 this day and year first written above.
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10 [SIGNATURE PAGE FOLLOWS]
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1 COUNTY Approval

2 RECOMMENDED FOR APPROVAL:

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4  Dated: 3-27-2024

5 Patricia Romo

6 Director of Transportation


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8 APPROVED AS TO FORM:

9 County Counsel

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11  Dated: 3-28-24

12 By Deputy

13
14 APPROVAL BY THE BOARD OF SUPERVISORS

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17  Dated: 4/02/2024

18 **CHUCK WASHINGTON**

19 PRINTED NAME

20 Chair, Riverside County Board of Supervisors

21 ATTEST:

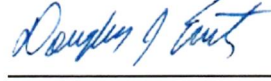
22
23
24  Dated: 4/02/2024

25 KIMBERLY RECTOR

26 Clerk of the Board (SEAL)

ATTORNEYS Approvals

ATTORNEYS:

 Dated: 3/13/24

Douglas J. Evertz

PRINTED NAME

Partner

TITLE

ATTORNEYS: [if needed]

Dated: _____

PRINTED NAME

TITLE

COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT

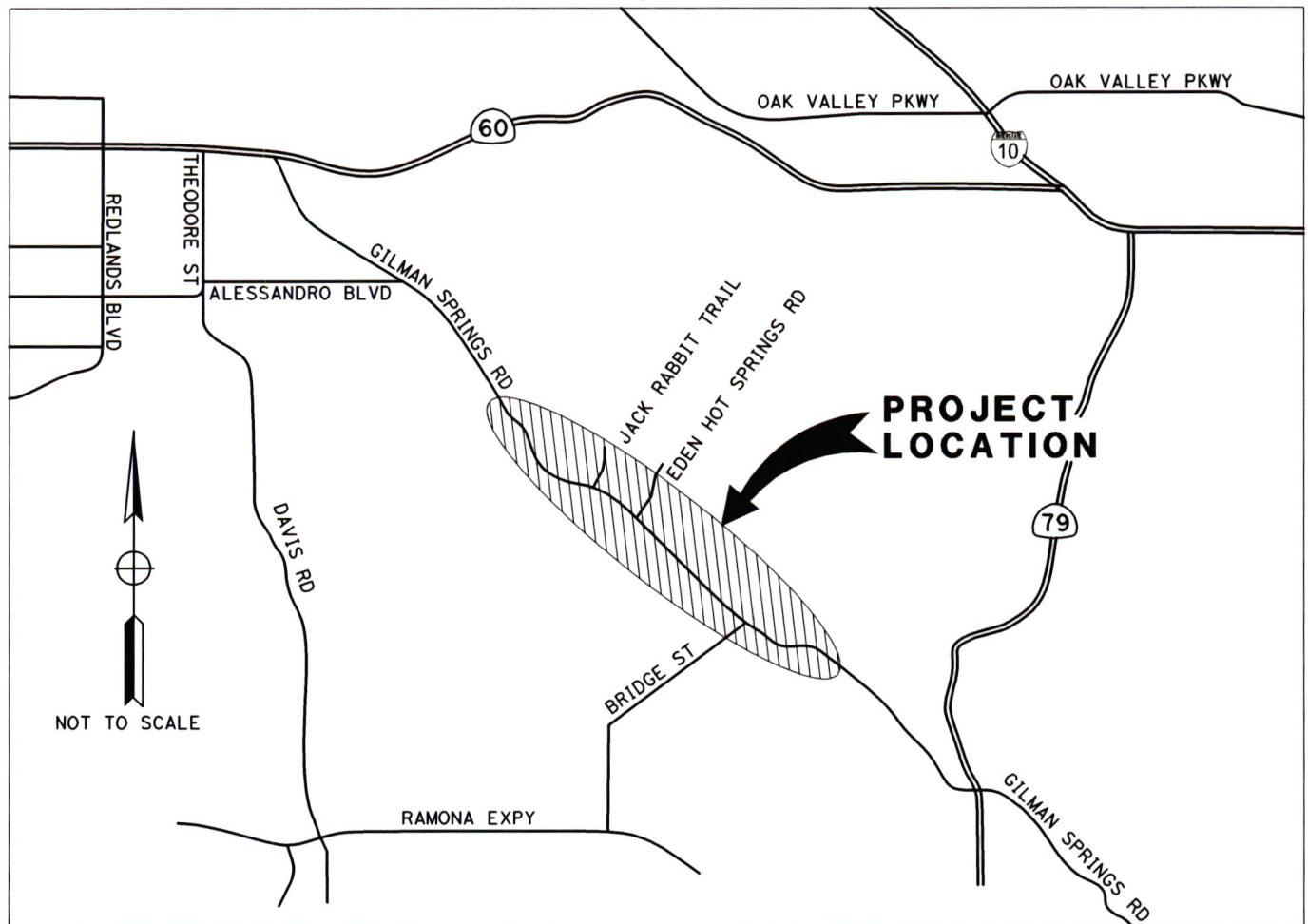
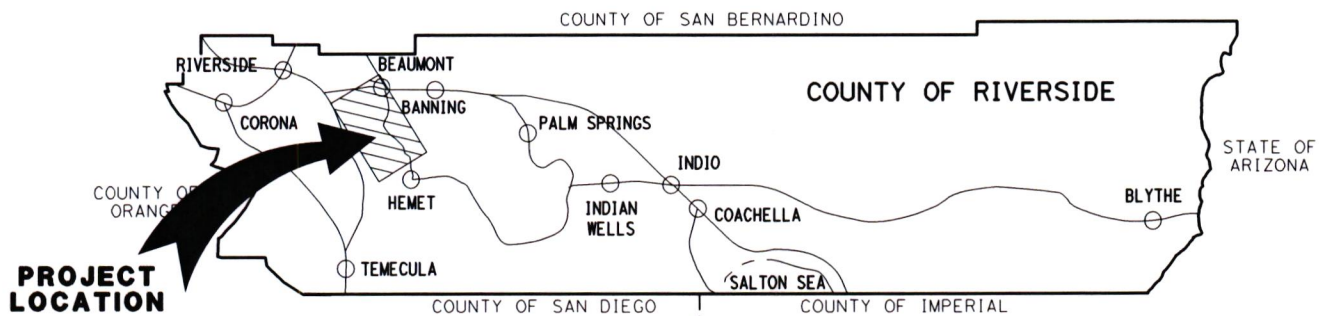
GILMAN SPRINGS ROAD PHASE 6 SAFETY PROJECT

FROM 8,920 FEET S/O ALESSANDRO BOULEVARD TO 5,340 FEET S/O BRIDGE STREET

EASTERN MORENO VALLEY AND GILMAN HOT SPRINGS AREAS

PROJECT No. C2-0161

FEDERAL AID No. HSIPL-5956 (263)



VICINITY MAP