



Legislation Details (With Text)

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File created: 8/19/2022 **In control:** Board of Supervisors

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Title: Department of Transportation recommending the Board approve and authorize the Chair to sign the Offsite Road Improvement Agreement 21-54981 for offsite road and drainage improvements for The Crossings at El Dorado, Missouri Flat Road, and Crossing Road, between the County and the Developer, LLL & A, LLC.

FUNDING: Developer Funded. The Cost of the work is estimated to be approximately \$2.6 million to be funded by the developer. Portions of the work may be eligible for reimbursement under the MC&FP and TIF programs. Any such reimbursements will be determined under a reimbursement agreement to be prepared and considered by the Board at a later date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approval, 2. B - Agmt #21-54981, 3. C - Performance and L&M Bonds, 4. D - Improvement Plans, 5. E - Conditions of Approval, 6. Executed Agreement 21-54981

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 8/30/2022 | 1 | Board of Supervisors | Approved | Pass |

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DISCUSSION / BACKGROUND

The Crossings at El Dorado Project (Project), formerly Sundance Plaza, was approved in 1998 but was never constructed and includes an approved Development Plan (PD97-0011), a rezone (Z97-22), an approved tentative map (P97-0017), and a now-expired Development Agreement (DA98-0001).

The Project is located on Missouri Flat Road, in Placerville in the County of El Dorado, from approximately 380 feet North of Plaza Drive to approximately 525 feet North of Headington Road.

The work to be done is shown on the plans and generally consists of, but is not limited to, grading, roadway demolition and construction, utility demolition and construction, construction of rock-lined ditches, rock slope protection, rip-rap, and other erosion control (temporary and permanent), striping, traffic signal, and conduit work. Shoring is anticipated for utility work within the existing pavement limits. The roadway shall remain open with lane reductions for the duration of this project.

Other items or details not mentioned above that are required by the plans, Standard Plans, Standard Specifications, or these Special Provisions must be performed, constructed, or installed.

As part of the adoption of the 2020 Addendum to the Missouri Flat Master Circulation and Financing Plan (MC&FP) Environmental Impact Report (EIR) on June 23, 2020 (Item 50, Legistar 20-030), the Board approved an MC&FP Phase II - Public Facilities Financing Plan. The Public Facilities Financing Plan recognized that Developers who provide capital to assist in upfront infrastructure funding may be eligible for reimbursement from the County. The County does not currently have established procedures that govern reimbursement under the MC&FP, and as such, any reimbursement would be subject to the terms and conditions of a later reimbursement agreement and the procedures that the County develops governing reimbursement under the MC&FP.

The Developer will bear the full cost of constructing the improvements in the proposed Road Improvement Agreement. Some of these improvements are included in the MC&FP, and the Developer could ultimately be reimbursed by the MC&FP. However, the ability of the County to fully reimburse the Cash Reimbursement is dependent upon the amount of funds available in the MC&FP account.

A portion of the work is funded by the Traffic Impact Fee (TIF) Program but will not be reimbursable until a complete roadway is constructed from Missouri Flat Road to El Dorado Road. Another Road Improvement Agreement consistent with the procedures in the County's Traffic Impact Fee Programs reimbursement guidelines will be developed to cover that work in the future when the Developer is ready to construct Phase 2 of his project.

The Developer is moving forward with the construction of the project at his own risk, as the separate reimbursement agreements for this work will be brought before the Board for consideration at a future date.

ALTERNATIVES

This Agreement is necessary for the Developer to construct road widening improvements. If the Agreement is not approved, the Developer would not be able to construct the necessary improvements, and the development could not proceed.

PRIOR BOARD ACTION

As outlined in the Discussion/Background section above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

The Cost of the work is estimated to be approximately \$2.6 million to be funded by the developer. Portions of the work may be eligible for reimbursement under the MC&FP and TIF programs. The requested Board action has no immediate associated fiscal impact or change to Net County Cost. Although the Developer will bear the initial cost of constructing the improvements in the proposed Agreement, most of these improvements are included in the MC&FP, and the Developer may

ultimately be reimbursed by the MC&FP. However, the ability of the County to fully reimburse the Developer for any eligible improvements is dependent upon available funds and any such reimbursements will be determined under a reimbursement agreement to be prepared and considered by the Board at a later date.

A portion of the work is funded by the TIF Program but will not be reimbursable until such time as a complete roadway is constructed from Missouri Flat Road to El Dorado Road. Another Road Improvement Agreement will be developed to cover that work in the future when the Developer is ready to construct Phase 2 of his project.

The Developer is moving forward with the construction of the project at his own risk, as the separate reimbursement agreements for this work will be brought before the Board for consideration at a future date.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) originals of the Agreement.
- 2) The Clerk of the Board will return one (1) fully executed original Agreement to Transportation, attention Lindsay Tallman.

STRATEGIC PLAN COMPONENT

Infrastructure, Economic Development

CONTACT

Rafael Martinez, Director
Department of Transportation