



## Legislation Details (With Text)

**File #:** 09-0558      **Version:** 4

**Type:** Agenda Item      **Status:** Approved

**File created:** 4/27/2009      **In control:** Board of Supervisors

**On agenda:** 11/17/2014      **Final action:** 11/17/2014

**Title:** Chief Administrative Office, Parks Division, recommending the Board authorize the Chair to sign Amendment I to Lease Agreement 251-L0911 with Diamond Springs Holding Company, LLC, for the County to receive revenue in the amount of \$1,392.30 per annum, retroactively, for a period of five (5) years, effective October 20, 2014 through October 19, 2019, for the encroachment on the Southern Pacific Sacramento-Placerville Transportation Corridor right of way adjacent to APN 329-240-51-100 located in Diamond Springs.

**FUNDING:** Diamond Springs Holding Company, LLC.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 4A - Approved Blue Route, Amend I 11-17-14, 2. 4B - DS Lease Agmt Amend I 11-17-14, 3. 4C - Kay Letter, Amend I 11-17-14, 4. 4D - Parcel Map Amend I 11-17-14, 5. 4E - Vicinity Map Amend I 11-17-14, 6. Executed Lease Amendment I 11-17-14 item 4.pdf, 7. A - Approved Blue Route.pdf, 8. B - DS Lease Agreement.pdf, 9. C - Vicinity Map 09-0558.pdf, 10. D - Kay Letter.pdf

Date	Ver.	Action By	Action	Result
11/17/2014	4	Board of Supervisors	Approved	Pass
10/20/2009	3	Board Of Supervisors	Approved	Pass

Chief Administrative Office, Parks Division, recommending the Board authorize the Chair to sign Amendment I to Lease Agreement 251-L0911 with Diamond Springs Holding Company, LLC, for the County to receive revenue in the amount of \$1,392.30 per annum, retroactively, for a period of five (5) years, effective October 20, 2014 through October 19, 2019, for the encroachment on the Southern Pacific Sacramento-Placerville Transportation Corridor right of way adjacent to APN 329-240-51-100 located in Diamond Springs.

**FUNDING:** Diamond Springs Holding Company, LLC.

**Fiscal Impact/Change to Net County Cost**

The County will recognize revenue from the Amendment to this Lease Agreement in the amount of \$6,961.50, to be paid to the County over the next five fiscal years, October 20, 2014 through October 19, 2019, in annual lease payments of \$1,392.30.

**Background**

In 1996, the Sacramento-Placerville Transportation Joint Powers Authority (SPTC-JPA) acquired title to the Southern Pacific railroad right of way (transportation) corridor (SPTC). The SPTC-JPA by written agreement, delegated the management of the portion of the right of way located within El Dorado County's jurisdiction to the County. The responsibility for the management of the corridor was originally with the General Services Department until its dissolution, upon which time it was transferred to the Department of Transportation. In 2012, the Chief Administrative Office, Facilities Division/Parks Division assumed the responsibilities of managing the corridor.

In processing the amendment to the lease, staff received direction from County Counsel to include the SPTC-JPA as a party to all agreements affecting the corridor. The lease documents were forwarded to the SPTC-JPA for their signature, however, it was requested by their legal counsel that the County include indemnification and additionally insured language in the lease. The time lapse for acquiring the additional review and signatures from the SPTC-JPA prevented staff from bringing the item before the Board for approval prior to the termination of the lease, October 19, 2014. Therefore staff is requesting the Board approve the amendment to this lease, retroactively to commence on October 20, 1014.

**Reason for Recommendation**

The amendment to the lease with Diamond Springs Holding Company, LLC will generated additional revenues, in the amount of \$6,961.50, to help defray the costs of maintaing the railroad right of way corridor.

**Contact**

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**Concurrences**

County Counsel and Risk Management