



# County of El Dorado

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## Legislation Text

File #: 07-1681, Version: 3

Transportation Department recommending the following pertaining to the Durock Road Revised Road Improvement Agreement:

- (1) Authorize said Department to approve the substitution of a revised road improvement originally required under Tentative Parcel Map P99-13 (Barnett Business Park Unit II);
- (2) Find that such change is in substantial compliance with the map conditions; and
- (3) Direct said Department to return to the Board with the following:
  - (a) Revised Road Improvement Agreement;
  - (b) Revised Durock Road Fee - Acknowledgement of Termination of Agreement between the County and the Developer (Termination Agreement); and
  - (c) Reimbursement Agreement. (Cont'd 10/16/07, Item 49)

|                           |    |    |
|---------------------------|----|----|
| BUDGET SUMMARY:           |    |    |
| Total Estimated Cost      |    | \$ |
|                           |    |    |
| Funding                   |    |    |
| Budgeted                  | \$ |    |
| New Funding               | \$ |    |
| Savings                   | \$ |    |
| Other                     | \$ |    |
| Total Funding Available   | \$ |    |
| Change To Net County Cost |    | \$ |

Background: KFRD Investments was conditioned through Tentative Parcel Map P99-13 (Barnett Business Park Unit II) to design and construct the intersection of Durock Road and Business Drive, including signalization (Project). County and Developer then entered into Road Improvement Agreement 04-601 for the design and construction of Project. KFRD designed the Project through a consultant contract according to the scope of work identified in the Road Improvement Agreement. Subsequently, the Department's five year capital improvement program defined an enhanced project at this site to make the project conform to the ultimate roadway width (as shown in the 2004 General Plan) and design speed per AASHTO standards, thereby requiring changes to the scope of this project and modification to the design. As a result of this change, the Department is proposing that KFRD complete the revisions to the design consistent with the revised scope; but that the County assume responsibility for the completion of the right of way acquisition process, utility relocation efforts and construction. This proposal is viewed as substantially meeting the requirements of the map condition and if approved by the Board will require the creation of a revised Road Improvement Agreement to be submitted to the Board for approval at a subsequent Board meeting.

The Project is in the Department of Transportation's Five -Year CIP, listed as project #73354 and funded from Barnett Business Park Impact fees and TIM funds in that document. In order to utilize the Barnett Business Park impact fee fund for a portion of the reimbursement, ambiguities regarding the use of these funds must be clarified through an amendment to the Durock Road Fee - Acknowledgement of Termination of Agreement between the County and the Developer (Termination Agreement). The Department will return to the Board with such an amendment at the same time as the revised Road Improvement Agreement.

Finally, upon approval of the Board at a future Board meeting of the revised Road Improvement Agreement and amended Termination Agreement a reimbursement agreement can be approved by the Board.

Action to be taken following Board approval:

Department of Transportation will return to the Board with an agenda item to include the following:

- a) Revised Road Improvement Agreement
- b) Amended Termination Agreement
- c) Reimbursement Agreement

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Concurrences: