



## Legislation Text

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**File #:** 19-1832, **Version:** 1

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Department of Transportation requesting the Board approve and authorize the Chair to sign Assignment and Assumption of Plans and Specifications Agreement 4533 with Silver Springs, LLC for the Silver Springs Parkway to Bass Lake Road (South Segment) Project, CIP 76108.

**FUNDING:** Developer Advanced Traffic Impact Mitigation Zones 1-7 Fees, Traffic Impact Mitigation Zones 1-7 Fees, Developer Funds and Road Funds/Discretionary Funds.

### **DISCUSSION / BACKGROUND**

The Silver Springs Parkway to Bass Lake Road (South Segment) Project (Project) will complete the construction of Silver Springs Parkway in the northwestern area of Cameron Park from Green Valley Road to Bass Lake Road as shown on Exhibit TC-1 in the El Dorado County General Plan. In 1986, an alignment study was conducted to determine the future alignment, design, and improvements necessary to upgrade Bass Lake Road. On April 6, 1993, the Board adopted the Final Environmental Impact Report (EIR) (State Clearinghouse # 90021120) for the Bass Lake Road Realignment Project. On December 15, 1998, the Tentative Map TM97-1330 for the Silver Springs development with Findings/Conditions of Approval and associated Final Environmental Impact Report (State Clearinghouse # 970720221) was approved by the Board of Supervisors. On August 2, 2016 (Item 28), the Board approved the Final Subsequent EIR for the Project.

On September 25, 2012 (Item 34), the Board approved multiple agreements with Silver Springs, LLC (Developer), including Reimbursement Agreement 07-1468 which provides the terms for reimbursement for the Project, and Road Improvement Agreement 12-53452 which provides the duties and timelines for each party for the Project. The Reimbursement Agreement allows for the Developer to be reimbursed for eligible soft costs provided "there exists an executed Assignment and Assumption Agreement" for the Project.

The Assignment and Assumption Agreement 4533 (Agreement) assigns to the County all rights, title and interest in the Plans and Specifications for the Project as developed by the Developer and Developer's Engineer. As part of the negotiated terms between the Department of Transportation (Transportation) and the Developer, Transportation has agreed to administer the construction contract for the Project. Transportation will be seeking Board approval to advertise the bids for the Project through a separate Board agenda item. To accommodate this action, the County will need to enter into the Agreement, which allows for the County's use of the Plans and Specifications for the construction of this Project. Additionally, this Agreement is a requirement of the approved Reimbursement Agreement.

### **ALTERNATIVES**

The Board could choose to not accept this Agreement. As this Agreement is a requirement of the Reimbursement Agreement, the Developer would likely then file a claim against the County to recuperate monies expended.

### **PRIOR BOARD ACTION**

See Discussion/Background section above.

Legistar File 12-1213, 07/15/14, Bond Reduction Silver Springs, LLC Agreements

Legistar File 16-0541, 08/02/16, Silver Springs Parkway EIR

Board actions prior to 2006 are listed without Legistar Number as they pre-date the Legistar system.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

The Agreement has been approved by County Counsel.

#### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

#### **FINANCIAL IMPACT**

There is no change to net County cost associated with this item. The Project is listed in the 2019 Capital Improvement Program, approved by the Board on December 17, 2019 (Item 54).

#### **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 forward one (1) fully-executed original of the Agreement to Chief Administrative Office, Procurement & Contracts Unit, for further processing.

#### **STRATEGIC PLAN COMPONENT**

Infrastructure

#### **CONTACT**

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Department of Transportation