



Board Agenda Item 43

DATE: April 25, 2017

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Retroactive Friant Ranch Access Reimbursement Agreement

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive reimbursement agreement with Friant Ranch, a Limited Partnership, to reimburse the County for costs incurred to process Friant Ranch's request to construct an access from its planned development to Friant Road, effective retroactively from October 1, 2016 through April 25, 2020, with two optional one-year extensions (\$20,000).**
- 2. Adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenues for PW - Special Studies Deposit Organization 1186 in the amount of \$20,000 (4/5 vote).**
- 3. Adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenues for the Public Works and Planning - Roads Organization 4510 in the amount of \$20,000 (4/5 vote).**

Approval of the first recommended action will enable the County to be reimbursed by Friant Ranch (the Developer) for costs incurred by the County to review and process documents to be prepared by the Developer and for future costs associated with the planning and development of the project. The documents to be reviewed include plans and specifications to be prepared by the Developer for the construction of an access from the planned Friant Ranch Development (the Development) to Friant Road across from the entrance to Lost Lake Park, and a construction and maintenance agreement pursuant to which the Developer will construct the access.

Approval of the second recommended action will increase the FY 2016-17 appropriations and estimated revenues for PW - Special Studies Deposit Organization 1186 in the amount of \$20,000 to reflect the amount to be deposited by the Developer pursuant to the Agreement.

Approval of the third recommended action will increase the FY 2016-17 appropriations and estimated revenues for the Public Works and Planning - Roads Organization 4510 in the amount of \$20,000 through an Operating Transfer in from the PW - Special Studies Deposit Organization 1186.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the County will be unable to receive reimbursement for work necessary to review and process Developer-prepared plans, specifications, and a Developer-prepared construction and maintenance agreement necessary for the Developer to construct an access from the Development to Friant Road.

RETROACTIVE AGREEMENT:

The Agreement is retroactive so that the County can be reimbursed for staff costs already incurred in processing the reimbursement agreement and preparing this agenda item.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. Pursuant to the reimbursement agreement, the Developer will provide a deposit of \$20,000 and funds received will be deposited into the Public Works and Planning Special Revenue Fund 0085, PW - Special Studies Deposit Organization 1186. Approval of the second recommended action will increase the FY 2016-17 appropriations and estimated revenues in the PW - Special Studies Deposit Organization 1186 in the amount of \$20,000 using the deposit from the Developer to fund an Operating Transfer Out to Public Works and Planning - Roads Organization 4510. Approval of the third recommended action will increase the FY 2016-17 appropriations and estimated revenues in the Public Works and Planning - Roads Organization 4510 in the amount of \$20,000 through an Operating Transfer In from PW - Special Studies Deposit Organization 1186 for costs associated with the Agreement. Budgeted staff costs have already been incurred for this project and Account 7295 (Professional and Specialized Services) will be used to balance the budget for the increased revenues.

In the event the costs incurred by the County exceed the amount of the deposit, the reimbursement agreement requires that the Developer pay costs in excess of the amount deposited pursuant to an invoice from the County. In the event the costs incurred by the County are less than the amount deposited, any amount not spent will be returned to the Developer upon completion of the County's obligations under the Agreement.

DISCUSSION:

In 2011, the Board of Supervisors approved various actions associated with the Friant Community Plan Update and the Friant Ranch Specific Plan. The Friant Ranch Specific Plan governs the development of a mixed-use community with 2,683 single-family age-restricted units, 83 multiple-family age-restricted units, 180 non-age-restricted multi-family units, 250,000 square feet of commercial space with up to 50 residential units, trails, parks, open space areas, wastewater treatment storage and disposal, and various water treatment and supply activities. It has been determined that one access to the Development should be located on Friant Road across from the entrance to Lost Lake Park. Several actions will be required by the County to facilitate construction of the access by the Developer, and the reimbursement agreement will provide for reimbursement by the Developer for associated County staff costs and expenses not covered by the County's Master Schedule of Fees, Charges, and Recovered Costs.

The County owns a triangular-shaped property referred to as "the Friant Triangle," the location of which coincides with the location of the proposed access, and the Developer owns a rectangular-shaped property referred to as "the Frontage Property" between the Friant Road right-of-way and the northwestern edge of the Friant Triangle. The Friant Triangle and the Frontage Property are shown on Exhibit 1.

It is anticipated that the Developer will construct and maintain the access pursuant to a future construction and maintenance Agreement. In order to construct the access, the Developer must dedicate an easement over the Frontage Property to the County for public road purposes. It will also be necessary for the County to establish an easement for public road purposes over the Friant Triangle.

The Friant Triangle was conveyed to the County by the federal government by quitclaim deed in the late 1950's, as part of Lost Lake Park. The deed contained a restriction that the entirety of the property be continuously used and maintained as a public park for recreational purposes for a period of twenty (20) years; however, that restriction expired long ago and no longer poses an obstacle to the County's ability to change the character and use of the Friant Triangle portion of the conveyance.

The reimbursement agreement will enable the County to be compensated for staff costs already incurred in preparing the reimbursement agreement and this agenda item, and will also provide reimbursement for future costs the County will incur in the processing of the dedication over the Frontage Property, establishment of an easement over the Friant Triangle, and review and processing of a construction and maintenance agreement pursuant to which the Developer will design and construct the access road. Once approved, the reimbursement agreement will be retroactive to October 1, 2016 and will continue in effect until April 4, 2020. The reimbursement agreement provides for a two-year extension of its term upon mutual written concurrence of the Developer and the Director of the Department of Public Works and Planning. The reimbursement agreement includes mutual indemnification clauses.

REFERENCE MATERIAL:

BAI #9, February 1, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
Exhibit 1
On File with Clerk - Reimbursement Agreement
On File with Clerk - Budget Resolution (1186)
On File with Clerk - Budget Resolution (4510)

CAO ANALYST:

John Hays