

MEMORANDUM

DEPARTMENT OF PUBLIC WORKS
County of Placer

TO: BOARD OF SUPERVISORS DATE: March 16, 2010
FROM: KEN GREHM / RICHARD MOOREHEAD
SUBJECT: **AMENDMENT NO. 1 TO HIGHWAY 65 LINCOLN BYPASS RELINQUISHMENT AGREEMENT**

ACTION REQUESTED / RECOMMENDATION

Adopt a Resolution authorizing the Director of Public Works to execute Amendment No. 1 to the Cooperative Agreement between Placer County and the State of California Department of Transportation (Caltrans), upon approval of the Amendment by County Counsel, which will recognize South Placer Region Transportation Authority (SPRTA) funding of \$1,000,000 to be used for repairs of a portion of existing State Route 65 upon relinquishment to the County.

BACKGROUND / SUMMARY

As part of the Highway 65 Bypass process, the State must execute various agreements with local agencies, one of which is a Relinquishment Agreement. This agreement allows for existing State Route 65 to be relinquished to the local jurisdictions when the new alignment is complete. The original agreement was executed on February 19, 2008 and defines the responsibilities of the County and Caltrans for acceptance of the facility and is attached for reference. Any modification to the agreement requires an amendment approved by each party.

Contained within the various agreements are identified funding sources. The Highway 65 Bypass is funded from several different sources; one of the sources is the South Placer Regional Transportation Authority (SPRTA) which has committed to contribute approximately 23.5 million dollars. The SPRTA money was to be used for project right of way and construction costs as defined in the original Cooperative Agreement between Caltrans and SPRTA and there was a recent Amendment to that Cooperative Agreement to reallocate the funding. Part of the reallocation was to use the SPRTA dollars to pay the County \$1,000,000 to be used for repairs of a portion of existing State Route 65 upon relinquishment. This allows a portion of the SPRTA funds to be paid at the end of the project which helps SPRTA with their cash flow and doesn't delay the payment to the County. Both the original Cooperative Agreement and Amendment between SPRTA and Caltrans are attached for reference.

Staff recommends approval of the attached Resolution authorizing the Director of Public Works to execute the Amendment No. 1 to the executed Cooperative Agreement.

ENVIRONMENTAL

The amendments to agreements are not projects as defined by CEQA and therefore, are not subject to the provisions of CEQA (Section 21065, Public Resources Code).

FISCAL IMPACT

There is no additional fiscal impact to the County.

Attachments: Resolution
Attachment A -Map of relinquished portion
Copy of Final Amendment No. 1 to 03-0390

T:\DPW\Transportation\transprt\2010 BOS Memos\Lincoln_Bypass_Relinquishment_Agmt 07 Reso Amendment.doc

**Before the Board of Supervisors
County of Placer, State of California**

Resol. No:.....

Ord. No:.....

First Reading:.....

**In the matter of: A RESOLUTION AUTHORIZING
THE DIRECTOR OF PUBLIC WORKS TO
EXECUTE AN AMENDMENT TO THE
COOPERATIVE AGREEMENT BETWEEN PLACER
COUNTY AND THE STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
(CALTRANS).**

The following RESOLUTION was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____

by the following vote on roll call:

Ayes:

Noes:

Absent:

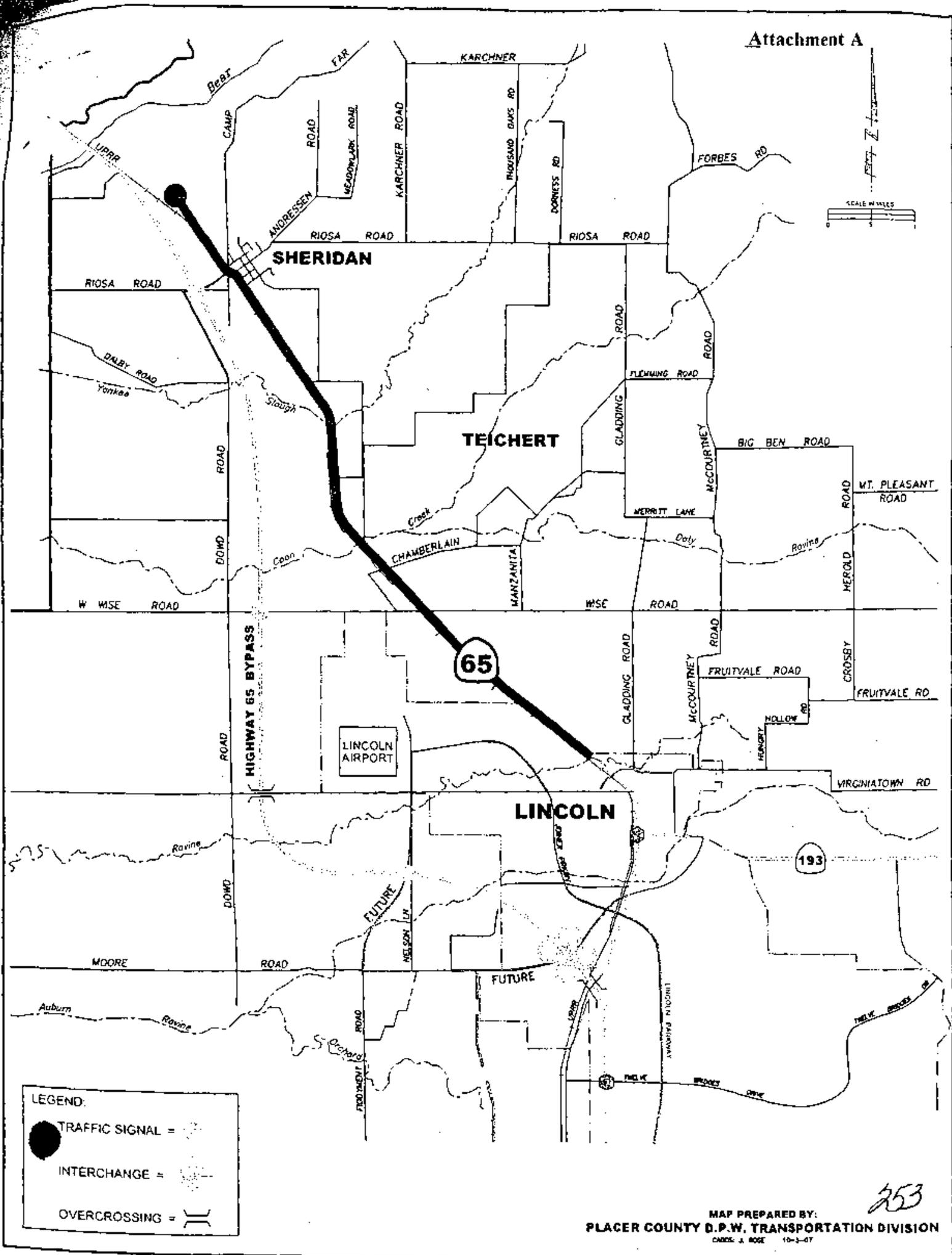
Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of
Placer, State of California, as follows:

The Placer County Board of Supervisors does hereby approve this Resolution
authorizing the Director of Public Works to execute an Amendment to the Cooperative
Agreement between Placer County and the State of California Department of
Transportation (Caltrans), upon approval of the Amendment by County Counsel, which
will recognize South Placer Regional Transportation Authority (SPRTA) funding of
\$1,000,000 to be used for repairs of a portion of existing State Route 65 upon
relinquishment to the County.



LEGEND:

- TRAFFIC SIGNAL =
- ⊕ INTERCHANGE =
- ⌈⌋ OVERCROSSING =

253

AMENDMENT NO. 1 to AGREEMENT

THIS AMENDMENT NO.1 to AGREEMENT, ENTERED INTO EFFECTIVE ON _____, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE", and the

County of Placer, a political subdivision of the State of California, referred to herein as "COUNTY."

RECITALS

1. STATE and COUNTY, herein referred to as "PARTIES", pursuant to Streets and Highways Code sections 114 and 130, entered into Cooperative Agreement 03-0390 (AGREEMENT) executed on February 19, 2008. Under AGREEMENT, STATE agreed to relinquish to COUNTY that portion of State Route 65 (SR 65), within the county limits of Placer, referred to herein as "RELINQUISHED FACILITIES" after construction of the Lincoln Bypass Project (PROJECT).
2. COUNTY agreed to accept RELINQUISHED FACILITIES free of any hazardous material or contamination in return for the payment of \$1,000,000, in exchange for COUNTY assuming full maintenance, ownership, responsibility, control and liability in perpetuity, over RELINQUISHED FACILITIES at no cost to STATE.
3. Since execution of AGREEMENT, STATE entered into an agreement (03-0382 A-1) with South Placer Regional Transportation Authority (SPRTA), on October 28, 2009, in which SPRTA agreed to pay STATE's relinquishment financial obligation (\$1,000,000) to COUNTY.
4. PARTIES have agreed to enter this amendment (03-0390 A-1) in order to outline SPRTA's role in accepting STATE's relinquishment financial obligation (\$1,000,000) to COUNTY.
5. PARTIES intend to define herein the terms and conditions of PROJECT funding changes.

IT IS THEREFORE MUTUALLY AGREED:

That AGREEMENT will be changed as follows:

1. Recital 5A is added to read as follows:

South Placer Regional Transportation Authority (SPRTA) has accepted STATE's financial responsibility (03-0382 A-1) to pay COUNTY \$1,000,000, directly upon completion of PROJECT construction.

2. Section I, Article 4 is amended in its entirety to read as follows:

To accept \$1,000,000 from SPRTA as STATE's full and only payment obligation for the relinquishment of RELINQUISHED FACILITIES that will be maintained in a state of good repair by STATE to the date of relinquishment.

3. Section II, Article 2 is amended in its entirety to read as follows:

Upon completion of construction of Lincoln Bypass project, to ensure SPRTA pays COUNTY \$1,000,000 for the RELINQUISHED FACILITIES in exchange for COUNTY assuming full maintenance, ownership, responsibility, control and liability in perpetuity, over the RELINQUISHED FACILITIES.

4. Section II, Article 4 is amended in its entirety to read as follows:

To ensure SPRTA pays COUNTY, within thirty (30) days of the recordation of the CTC's Resolution of Relinquishment, and upon invoicing of funds by COUNTY of \$1,000,000. The payment of those funds will fulfill STATE's only financial obligation for the purpose of this relinquishment.

5. All other terms and conditions of AGREEMENT shall remain in full force and effect shall remain in full force and effect.
6. This Amendment No. 1 to Agreement is hereby deemed to be part of AGREEMENT.

STATE OF CALIFORNIA
Department Of Transportation

COUNTY OF PLACER

GARY S. SIDHU, Deputy District Director
D3 Programming & Project Management

Director of Public Works

Approved as to form and procedure:

Approved as to form and procedure:

Department of Transportation Attorney

County Counsel

Certified as to funds:

District Control Officer

Certified as to financial terms and policies:

Accounting Administrator