



## City Council Staff Report

Date: JULY 1, 2009

CONSENT CALENDAR

Subject: APPROVAL OF SECOND AMENDMENT TO AGREEMENT NO. 5090 FOR REAL PROPERTY SERVICES WITH RIVERSIDE COUNTY ASSOCIATED WITH THE INDIAN AVENUE / INTERSTATE 10 INTERCHANGE, CITY PROJECT 00-14

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

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### SUMMARY

Agreement No. 5090 with Riverside County, approved by City Council on May 4, 2005, provides the City with real property services (appraisals and acquisition) associated with the Indian Avenue/Interstate 10 Interchange Project (City Project 00-14) for a not to exceed contract amount of \$199,800. The Second Amendment to the Agreement is proposed to increase the amount of the original contract by \$60,000 for a new not to exceed contract amount of \$259,800.

### RECOMMENDATION:

- 1) Approve Second Amendment to Agreement No. 5090 with the County of Riverside, in an amount of \$60,000 for a revised total contract amount of \$259,800 for Real Property Services Associated with the Indian Avenue/Interstate 10 Interchange, City Project 00-14; and
- 2) Authorize the City Manager to execute all necessary documents.

### STAFF ANALYSIS:

On May 4, 2005, City Council approved Agreement No. 5090 with Riverside County to provide the City with real property services (appraisals and acquisition) associated with the Indian Avenue/Interstate 10 Interchange Project (City Project 00-14) for a not to exceed contract amount of \$199,800. On June 4, 2008, the City Council approved the First Amendment to Agreement No. 5090 which extended the term of the agreement to December 31, 2010, and updated Riverside County's fee schedule. There was no increase to the original contract amount with the First Amendment.

The City obtained FHWA approval of the environmental document for the Interchange Project in October 2006, allowing the project to proceed with the right-of-way acquisition phase. Since then, the City and Riverside County have been working to secure all necessary rights-of-way for this project. At this time, approximately half of the required rights-of-way have been secured, with several agreements pending. Negotiations with three property owners have not yet been settled.

During right-of-way negotiations, two of the properties impacted by this project changed ownership due to foreclosure, requiring Riverside County to re-initiate negotiations with the new owners. The extent of the right-of-way negotiations has exceeded the original expectations of the agreement with Riverside County, and it is necessary to increase the maximum compensation of the agreement by \$60,000 for a new total contract amount of \$259,800 to ensure the agreement provides sufficient funding to reimburse Riverside County for its services.

**FISCAL IMPACT:**

Sufficient funding is available in Local Measure A account 134-4498-50185.



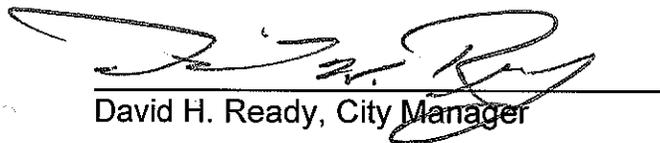
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David J. Barakian  
Director of Public Works/City Engineer



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Thomas J. Wilson  
Assistant City Manager



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David H. Ready, City Manager

**ATTACHMENTS:**

1. Second Amendment to Agreement No. 5090

**ATTACHMENT 1**

**SECOND AMENDMENT TO AGREEMENT NO. 5090**

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**SECOND AMENDMENT TO  
AGREEMENT FOR REAL PROPERTY SERVICES  
INDIAN / I-10 INTERCHANGE  
IN THE CITY OF PALM SPRINGS, CALIFORNIA**

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Whereas, the First Amendment to Agreement for Real Property Services ("Agreement") referenced as Exhibit "A" attached hereto and made a part hereof, was approved by the Palm Springs City Council on June 4, 2008 and approved and executed by the Riverside County Board of Supervisors on September 2, 2008 (minute order 3.67), is made by and between the County of Riverside, herein called "County", acting by and through its Agency for Economic and Facility Development, Real Estate Division, herein called "Real Estate", and the City of Palm Springs, herein called "City".

WHEREAS, the County continues to settle with and negotiate with the 17 property owners (including 1 billboard owner) needed for the Project.

WHEREAS, on or about March 2009, the County determined that additional acquisition activities are needed to complete the Project, including other associated activities such as appraisal, escrow and title.

WHEREAS, the term of the First Amendment does not expire until December 31, 2010 or completion of the services.

WHEREAS, all terms and conditions of the Agreement remains the same, except as modified in supplemented herein by the Second Amendment.

NOW, THEREFORE, it is agreed as follows:

**1. Compensation Schedule**

Costs for additional work shall be reimbursed by City to Real Estate as incurred. Work performed by Real Estate between the date of execution of this Second Amendment by both parties and the expiration date of the First Amendment to Agreement shall be at the rate of \$127.52 per hour not to exceed \$60,000 over the term of the Agreement. This rate is subject to further change by the Riverside County Board of Supervisors annually on each July 1<sup>st</sup>.

**2. List of Properties**

Exhibit "A-1" of the Agreement is hereby superseded by the list of ownerships and parcels attached hereto as Exhibit A-2 and made a part hereof. Real Estate shall have no involvement in conveyances of property interests between City and Caltrans or between City and County or between County and Caltrans.

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[SIGNATURES ON FOLLOWING PAGE]

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1 Dated: \_\_\_\_\_

**CITY OF PALM SPRINGS**

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By: \_\_\_\_\_  
City Manager

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**ATTEST:**

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5 By: \_\_\_\_\_  
City Clerk

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**APPROVED AS TO FORM:**

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8 By: \_\_\_\_\_  
City Attorney

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Dated: \_\_\_\_\_

**COUNTY OF RIVERSIDE**

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**ATTEST:**

By: \_\_\_\_\_  
Jeff Stone, Chairman  
Board of Supervisors

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Kecia Harper-Ihem  
Clerk of the Board

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By: \_\_\_\_\_  
Deputy

[SEAL]

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**APPROVED AS TO FORM:**

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Pamela J. Walls  
County Counsel

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By: \_\_\_\_\_  
Synthia M. Gunzel  
Deputy County Counsel

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RETURN TO:  
CITY CLERK  
CITY OF PALM SPRINGS  
BOX 7743  
PALM SPRINGS, CA 92263

# EXHIBIT "A"

AS090  
Amend #1

## FIRST AMENDMENT TO AGREEMENT FOR REAL PROPERTY SERVICES INDIAN / I-10 INTERCHANGE IN THE CITY OF PALM SPRINGS, CALIFORNIA

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This First Amendment to the original Agreement for Real Property Services ("Agreement") that was approved by the Palm Springs City Council on May 4, 2005 (minute order 7663) and executed on May 26, 2005, and was approved and executed by the Riverside County Board of Supervisors on July 12, 2005 (minute order 3.34), is made by and between the County of Riverside, herein called "County", acting by and through its Department of Facilities Management, Real Estate Division, herein called "Real Estate", and the City of Palm Springs, herein called "City".

### 1. Term.

The term of the original Agreement expired on December 31, 2006. County and City mutually agree to extend the term of the Agreement through the earlier of December 31, 2010, or completion of the services.

### 2. Compensation Schedule

Costs for additional appraisal work shall be reimbursed by City to Real Estate as incurred. Work performed by Real Estate between the original expiration date of the Agreement and the date of execution of this agreement by both parties shall be at the rate of Sixty Dollars (\$60.00) per hour. The hourly rate set forth in Section 4 of the Agreement shall be changed effective the date that this agreement is executed by both parties, to \$127.52 per hour. This rate is subject to further change by the Riverside County Board of Supervisors annually on each July 1<sup>st</sup>.

### 3. List of Properties

Exhibit "A" of the Agreement is hereby superseded by the list of ownerships and parcels attached hereto as Exhibit A-1 and made a part hereof. Real Estate shall have no involvement in conveyances of property interests between City and Caltrans or between City and County or between County and Caltrans.

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ORIGINAL OF  
AND/OR AGREEMENT

SEP 2 2008 2:67  
06

RETURN TO:  
CITY CLERK  
CITY OF PALM SPRINGS  
BOX 2743  
PALM SPRINGS, CA 92263

# EXHIBIT "A"

All other terms and conditions of the Agreement shall remain unchanged and in effect.

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Dated: June 27 2008

CITY OF PALM SPRINGS

By: [Signature]  
City Manager

**ATTEST:**

By: [Signature]  
City Clerk

APPROVED BY CITY COUNCIL

**APPROVED AS TO FORM:**

6-4-08 J. Aguirre

By: [Signature]  
City Attorney

**REVIEWED AND RECOMMENDED FOR APPROVAL:**

By: [Signature]  
James R. Force,  
Supervising Real Property Agent

By: [Signature]  
Robert Field, Director  
Department of Facilities  
Management

Dated: SEP 2 2008

COUNTY OF RIVERSIDE

**ATTEST:**

Nancy Romero  
Clerk of the Board

By: [Signature]  
Chairman ROY WILSON  
Board of Supervisors

By: [Signature]  
Deputy

[SEAL]

**APPROVED AS TO FORM:**

Joe S. Rank  
County Counsel

By: [Signature]

JRF:jw  
05/16/08 23  
001PG  
10 946

# EXHIBIT "A"

Project Code

001PG

Department Projects

Project Name

I-10/INDIAN INTERCHANGE

Status Comments Appraisals complete, 2/08

PROPERTY INFORMATION

Property ID	APN	Owner	Escrow Closed	Stipulated	Default	TCE Only
13803	669-060-004, 669-060-005, 669-060-006, 666-060-018, 666-330-008	Robert W. Miner				
13859	666-370-005	Sonika LLC				
13870	666-330-039	Kayo Oil Company				
13871	666-330-050	Allen E. Hom				
13872	666-330-054	M-Six Penvest II Business Trust				
13873	666-330-064	Jason G. Wilson				
13799	666-330-059, 666-330-060, 666-330-061, 666-330-063, 666-330-068, 666-330-069, 666-330-070, 666-330-071, 666-330-072	I 10 Garnet Partnership (1995)				
13800	666-330-081, 666-330-082	Pilot Travel Ventures				
13801	666-370-023	Henry Olivier				
13802	666-370-025	Chang Family Partners				
13804	669-060-019	Victoria Land Partners				
13805	669-091-017, 669-091-018	Palm Springs Partners				
13981	666-370-006	Thilina Balasuriya and Monisha Jayawardena				
13982	669-093-011	Robert W. Miner, Trustee				
13987	666-330-058, 666-330-047	Palm Springs Freeway Development				

15 Properties in this Project

EXHIBIT "A1"

## EXHIBIT "A-2"

Project Name: I-10/Indian Avenue Interchange – Palm Springs

Project Code: 001PG

Property ID	APN	Owner
13799	666-330-059, 666-330-060, 666-330-068, and 666-330-069	1995 I-10 Indian Avenue Partners, LP
13800	666-330-081 and 666-330-082	Pilot Travel Ventures
13801	666-370-023	Olivier
13802	666-370-025	Chang Family Partners
13803	669-060-004, 669-060-005, 669-060-006, 666-060-018, 666-330-008	Robert Miner
13982	669-093-011	Robert Miner
13804	669-060-019	Victoria Land Partners
13805	669-091-017 and 669-091-018	Palm Springs Partners
13806	666-370-022	Oaktree Apartments
13869	666-370-005	Sonika LLC
13870	666-330-039	Convenience Retailers LLC
13871	666-330-050	Allen Hom
13873	666-330-064	James Wilson
13981	666-370-006	Gregory Roman
13987	666-330-058, 666-330-043	Palm Springs Freeway Development LLC
14333	666-370-025	Tesoro Media
14464	666-330-061, 666-330-063, 666-330-070, 666-330-071, and 666-330-072	Dodrill and Martinez Render