



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JUNE 21, 2022**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARD: 1**
DEPARTMENT

SUBJECT: RIGHT OF ENTRY AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT WITH THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR A STAGING AREA ON CITY-OWNED PROPERTY, ASSESSOR'S PARCEL NO. 0277-022-75, TO FACILITATE THE CONSTRUCTION AND IMPLEMENTATION OF THE RIGHT AND LEFT LEVEE DIVERSION KNOWN AS THE RIVERSIDE LEVEE SANTA ANA RIVER STABILIZATION PROJECT FROM JUNE 1, 2022, TO DECEMBER 31, 2026, WITH A REVENUE TOTAL OF \$2,606,202

ISSUE:

Approve the Right of Entry and Temporary Construction Easement Agreement with Riverside County Flood Control and Water Conservation District for a staging area on City-owned property, Assessor's Parcel No. 0277-022-75, to facilitate the construction and implementation of the Right and Left Levee Diversion known as the Riverside Levee Santa Ana River Stabilization Project for a term from June 1, 2022, to December 31, 2026, with a revenue total of \$2,606,202.

RECOMMENDATIONS:

That the City Council:

1. Approve the Right of Entry and Temporary Construction Easement Agreement with Riverside County Flood Control and Water Conservation District for a staging area on a portion of City-owned property, Assessor's Parcel No. 0277-022-75, to facilitate construction and implementation of the Right and Left Levee Diversion known as the Riverside Levee Santa Ana River Stabilization Project for a term from June 1, 2022, to December 31, 2026, for total compensation of \$2,606,202 to the City; and
2. Authorize the City Manager, or his designee, to execute the Right of Entry and Temporary Construction Easement Agreement, including making minor and non-substantive changes, and sign all documents and instruments necessary to complete the transaction.

BOARD RECOMMENDATION:

On May 23, 2022, the Board of Public Utilities voted unanimously to recommend that City Council

approve the Right of Entry and Temporary Construction Easement Agreement with Riverside County Flood Control and Water Conservation District for a staging area on a portion of City-owned property, Assessor's Parcel No. 0277-022-75. The Right of Entry and Temporary Construction Easement Agreement will facilitate construction and implementation of the Right and Left Levee Diversion, known as the Riverside Levee Santa Ana River Stabilization Project.

BACKGROUND:

In 1950, the construction of the Riverside Levees was federally authorized under the Flood Control Act - Public Law 516, 81st Congress - 2nd Session (Act). In 1956, the County Board of Supervisors provided a guarantee to the Secretary of the Army that the Riverside County Flood Control and Water Conservation District (District) would provide local cooperation as required and defined in Resolution No. 265 and Resolution No. 293. These Resolutions were adopted on January 13, 1956, for Riverside Levee 1 and Riverside Levee 2. In 1958, the Levees were constructed by the U.S Army Corps of Engineers (USACE) and Riverside Levee 1 was transferred to the District for maintenance. Riverside Levee 2 was transferred in 1959.

The Riverside Levees are located on both sides of the Santa Ana River (River).

- Riverside Levee 1 is in Riverside County and runs approximately 2.4 miles along the west bank of the River, between the Cities of Riverside and Jurupa Valley.
- Riverside Levee 2 is in the City of Riverside and the City of Colton (San Bernardino County) and runs approximately 2.7 miles on the east bank of the River.

On January 18, 2013, the systems for Riverside Levees 1 and 2 were declared "Unacceptable" by the Levee Safety Officer of the Los Angeles District. Several issues were identified including erosion identified on both Levees along the toe and gullies on the riverward and land slope that could compromise their stability. The outlet of a side-drainage structure on Riverside Levee 1 was also undermined, posing an unacceptable risk to public safety. Immediate corrective actions are required to address these issues as identified in the Riverside Levee Santa Ana River Stabilization Project (Project).

The District requested assistance from the USACE to repair the Levees under USACE's Rehabilitation and Inspection Program. The USACE has secured funding for the necessary rehabilitation work from the supplemental Flood Control and Coastal Emergencies appropriation, authorized under the Bipartisan Budget Act of 2018 (Public Law 115-123).

The District is not required to provide a financial contribution toward project construction. The District is obligated to allow access to all lands, easements, rights-of-way, relocation, and disposal areas deemed necessary by the USACE for the Riverside construction, operation, and maintenance and the rehabilitation of the Project.

DISCUSSION:

The Riverside Levee Santa Ana River Stabilization Project (Project) requires a Right of Entry and Temporary Construction Easement Agreement (Agreement) for the District, working in conjunction with the USACE, to establish a construction staging area near the levees in San

Bernardino County. The District proposes to use a portion of Pellissier Ranch as a staging area to store materials to facilitate the repair of the right and left levees.

The staging area is approximately 11.56 acres located within the River and is identified as follows:

Figure 1 – Proposed Staging Area



The goals of the Project are to mitigate the scouring and erosion, improve the existing flood level, and reduce future maintenance. The Project will restore storm-damaged infrastructure to pre-damaged conditions. Upon completion, approximately 3,300 acres of land adjacent to the River in the cities of Riverside and Rubidoux will be protected.

Based on the appraisal obtained by the District, they have agreed to compensate the City for the use of a portion of Pellissier Ranch for a total amount of \$2,606,202, which includes a 5% rate of return. The appraisal assumes an increase in the value over the term of the Agreement and the rate of return is applied to represent the percentage change. Community & Economic Development Department staff reviewed the appraisal report and confirms that it represents current fair market value for the use of the subject property. The Agreement will allow the District to occupy the subject property from June 1, 2022, through December 31, 2026.

STRATEGIC PLAN ALIGNMENT:

This item contributes to **Strategic Priority 6 – Infrastructure, Mobility & Connectivity** and **Goal 6.2:** Maintain, protect, and improve assets and infrastructure within the City's built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.

The Agreement aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust:** City Council approval of the proposed Agreement confirms that the City prioritizes community safety while working with surrounding communities and other public agencies.

2. **Equity:** City Council approval of the proposed Agreement demonstrates equitable safety achievement for the City and surrounding communities by minimalizing the potential property damage caused by flooding and ensuring the community's safety.
3. **Fiscal Responsibility:** City Council approval of the proposed Agreement demonstrates that Riverside works diligently with other agencies to enhance the community's safety and generates income for RPU by utilizing a secondary use of their land at fair market value.
4. **Innovation:** City Council approval of the proposed Agreement demonstrates that the City is innovative and collaborative, working in concert with various government agencies to protect the future of the Santa Ana River
5. **Sustainability & Resiliency:** City Council approval of the proposed Agreement will ensure the current and future reliability, resiliency, and sustainability of the Santa Ana River. The Right of Entry and Temporary Construction Easement Agreement demonstrates the City's commitment to reducing the floodwaters in the City of Riverside and its neighboring Cities.

FISCAL IMPACT:

The total fiscal impact for this action for the term of the Agreement is \$2,606,202. The monthly revenue generated from the Agreement will be deposited into the Water Fund, Use of Money and Property, Land and Building Rental revenue account 0000520-373100.

Prepared by: Chris Christopoulos, Acting Community & Economic Development Director

Certified as to availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/Treasurer

Approved by: Rafael Guzman, Assistant City Manager

Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Right of Entry and Temporary Construction Easement Agreement
2. Presentation