



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** December 8, 2015

From: Brad Miller, Town Engineer **Item No:** 8
Engineering Department

Subject: **APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT FOR THE MOJAVE RIVERWALK SOUTH - PROJECT NO. 2015-08**

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Approve the Memorandum of Understanding (MOU) between the San Bernardino County Flood Control District and the Town of Apple Valley for the construction of multi-use trails within the District's easements.

SUMMARY:

The attached MOU is a general document that allows the Town to develop and maintain bike paths and pedestrian trails located within the San Bernardino County Flood Control District's easements, which are currently located along the Mojave River and the Desert Knolls Wash. The Town Attorney has reviewed and approved the content of the agreement.

In addition to the MOU, a Conditional Use Agreement (CUA) will be required for any specific project such as the Mojave River Walk South Project.

BACKGROUND:

Town staff approached the San Bernardino County Flood Control District to coordinate the construction of the Mojave Riverwalk South Project. The project includes the construction of a 12'-wide concrete bike path, 2.18 miles long, along the eastern boundary of the Mojave River between Bear Valley Road and Tussing Ranch Road.

The concrete path will be constructed on the San Bernardino County Flood Control District's existing access road and will connect the Jess Ranch housing community to

the Victor Valley College Campus and shopping at the Jess Ranch Marketplace. When all segments are completed, the Mojave Riverwalk Master Plan will provide for full connectivity between Apple Valley, through Victorville (via the Bear Valley Road Bridge) and to the Mojave Narrows Regional Park. Mojave Riverwalk South is one of the two (2) Active Transportation Program (ATP) grants the Town recently received. As a practical active transportation project that supports Apple Valley Coalition's, "Healthy Apple Valley" comprehensive strategic plan, this initiative effects environmental and policy changes that supports and encourages healthy lifestyle choices.

The MOU and the CUA are agreements that the San Bernardino County Flood Control District is requiring for the project. Once the MOU has been approved, the San Bernardino County Flood Control District will provide the Town with the CUA for the Mojave River Walk South Project.

FISCAL IMPACT:

There are no fiscal impacts for the agreement.

ATTACHMENTS:

1. Location Map
2. Memorandum of Understanding for Development of Community Trails

LOCATION MAP





San Bernardino County
Flood Control District

F A S
STANDARD CONTRACT

FOR OFFICIAL USE ONLY

<input checked="" type="checkbox"/> New	FAS Vendor Code		Dept.	Contract Number		
<input type="checkbox"/> Change			SC	A		
<input type="checkbox"/> Cancel						
ePro Vendor Number				ePro Contract Number		
Flood Control District				Dept.	Orgn.	Contractor's License No.
Contract Representative				Telephone		Total Contract Amount
Melissa Walker				(909)387-7995		\$
Contract Type						
<input type="checkbox"/> Revenue <input type="checkbox"/> Encumbered <input type="checkbox"/> Unencumbered <input type="checkbox"/> Other:						
If not encumbered or revenue contract type, provide reason:						
Commodity Code		Contract Start Date	Contract End Date	Original Amount	Amendment Amount	
				\$	\$	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No	Amount
						\$
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount
						\$
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount
						\$
Project Name				Estimated Payment Total by Fiscal Year		
MOU WITH TOWN OF APPLE VALLEY FOR MULTI-USE TRAIL SYSTEM				FY	Amount	I/D

THIS CONTRACT is entered into in the State of California by and between the San Bernardino County Flood Control District, hereinafter called the **District**, and

Name
Town of Apple Valley hereinafter called **TOWN**

Address
14955 Dale Evans Parkway

Apple Valley, CA 92307 Attn: Richard Pederson

Telephone Federal ID No. or Social Security No.
(760) 240- 7000 Ext. 7352

IT IS HEREBY AGREED AS FOLLOWS:

(Use space below and additional bond sheets. Set forth service to be rendered, amount to be paid, manner of payment, time for performance or completion, determination of satisfactory performance and cause for termination, other terms and conditions, and attach plans, specifications, and addenda, if any.)

**MEMORANDUM OF UNDERSTANDING
FOR DEVELOPMENT OF COMMUNITY TRAILS**

WHEREAS, the TOWN and DISTRICT desire to cooperate in the development of a multi-use community trail system; and

<i>Auditor-Controller/Treasurer/Tax Collector Use Only</i>	
<input type="checkbox"/> Contract Database	<input type="checkbox"/> FAS
Input Date	Keyed By

WHEREAS, the TOWN and DISTRICT each recognize the benefits of the multi-use trail system to the community's residents; and

WHEREAS, the multi-use trails will serve as the main connectors to both regional and local parks, scenic hills and open space areas, as well as residential, commercial and industrial land areas; and

WHEREAS, the multi-use trails are intended for use by a variety of residents of the community, including hikers/joggers, bicyclists, and equestrians; and

WHEREAS, the TOWN desires to effect, at no cost to the DISTRICT, the construction, operation, and maintenance of the multi-use trail system, including bicycle trails, equestrian trails, pedestrian trails, and associated convenience trail amenities (i.e., benches, hitching posts, signs, access gates, drinking fountains, fencing, and similar devices, etc.) which may necessitate TOWN'S use of certain DISTRICT fee-owned right-of-way, and/or DISTRICT held easements; and

WHEREAS, portions of the multi-use trail system and appurtenances may be located on DISTRICT held EASEMENT lands, hereinafter called DISTRICT EASEMENT AREAS, subject to the TOWN either obtaining written permissions or acquiring the grant of easement rights from the underlying fee owners for locating such portions of said multi-use trail system and appurtenances within the DISTRICT EASEMENT AREAS; and

WHEREAS, the TOWN'S General Plan and/or the Parks and Recreational Plan provides for a multi-use trail system that may be located upon the DISTRICT'S lands and DISTRICT'S EASEMENT AREAS including, but not limited to, those further described as follows:

Facilities: Mojave River and Desert Knolls Wash

Reaches: All portions located on DISTRICT fee owned land and DISTRICT EASEMENT AREAS within the TOWN boundaries, and hereinafter referred to as the AREAS OF COMMON USE

Map" as indicated by the highlighted areas on the attached "Town of Apple Valley Bike Paths General Plan Exhibit II-6 Map" (Exhibit "A"), the "Town of Apple Valley Bicycle Facilities Exhibit" (Exhibit "B"), and the "Town of Apple Valley Recreational Trail System General Plan II-9 Map" (Exhibit "C"), attached hereto and incorporated herewith; and

WHEREAS, the DISTRICT desires to preserve, maintain, construct, and operate flood control and water conservation works within and across said AREAS OF COMMON USE; and

WHEREAS, the proposed improvements to DISTRICT access roads will result in a benefit to the District; and

NOW, THEREFORE, IT IS UNDERSTOOD AND MUTUALLY AGREED AS FOLLOWS:

1. The TOWN shall provide to the DISTRICT a conceptual plan and other information detailing the TOWN'S proposed multi-use community trail system in the AREAS OF COMMON USE. The plan shall include adequate detail and information to define locations of equestrian, bicycle and pedestrian trails, and trail amenities. Such definition shall show specific multi-use trail locations (i.e., side of channel, basin or river where trail is to be located), locations of bridge crossings, trail access points, rest areas, and standards to be utilized in the eventual construction of specific facilities.

The parties acknowledge that in the areas where lands adjacent to the DISTRICT rights-of-way are currently undeveloped or only partially developed, it may not be possible to define a specific multi-

use trail alignment or location until the adjacent lands are developed. With respect to such areas, the DISTRICT agrees that the TOWN may define a desired Trails Master Plan with the understanding that the multi-use trail would be subject to further review and possible relocation to be compatible with future land development or DISTRICT needs. Such future developments may occur in both TOWN and unincorporated areas.

2. The DISTRICT shall, upon receipt of a conceptual plan, review said plan and provide to the TOWN either written acceptance of the conceptual plan or comments on the plan that will require further attention and response by the TOWN prior to DISTRICT acceptance of the plan.
3. Through the acceptance of the conceptual plan, the DISTRICT will consent to a plan for the TOWN'S construction, reconstruction, maintenance, and operation of a multi-use community trail system for use by TOWN residents and others, at no cost to the DISTRICT within the AREAS OF COMMON USE; provided that no such use, occupancy, construction, reconstruction, or maintenance effected by the TOWN may interfere or conflict with any structures, facilities, operations, or uses which the DISTRICT has or intends to have upon said lands. DISTRICT's consent shall not be deemed effective until confirmed by resolution of the DISTRICT's governing board. The determination of interference or conflict will be made by the DISTRICT at its sole discretion.
4. The development and construction of individual portions of the approved conceptual plan shall be accomplished under a separate agreement to be prepared by the DISTRICT through a Common Use Agreement. This agreement along with subsequent amendments will be prepared in a manner that will enable individual projects to be added as they are developed and constructed.
5. To initiate the development and construction of any such specific project, the TOWN shall be required to make a written request to the Flood Control Engineer of the DISTRICT at least six months in advance of the date of any proposed occupancy or use of the DISTRICT'S right-of-way. The request shall include complete plans and specifications for the proposed project. The TOWN shall be required to obtain a permit from the DISTRICT prior to the start of any construction work.

BE IT FURTHER AGREED AND MUTUALLY UNDERSTOOD THAT:

1. All trails shown on the conceptual plan will be subject to location specific review by the DISTRICT for consistency with the DISTRICT'S use of the area for its purpose and for compatibility with further adjacent land uses.
2. This Memorandum of Understanding is valid only to the extent of the DISTRICT'S jurisdiction. Permits or other approvals which may be required by other agencies shall be the responsibility of the TOWN. Nothing contained in this Memorandum of Understanding shall be construed as a relinquishment of any rights now held by the DISTRICT.

IN WITNESS WHEREOF, the parties hereto have caused the Memorandum of Understanding to be executed by their respective officials thereunto duly authorized.

**SAN BERNARDINO COUNTY
FLOOD CONTROL DISTRICT**

► _____
James Ramos, Board Chairman

Dated: _____

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD
Laura H. Welch, Clerk of the Board

By _____
Deputy

TOWN OF APPLE VALLEY, A MUNICIPAL CORPORATION
(Print or type name of corporation, company, contractor, etc.)

By ► _____
(Authorized signature - sign in blue ink)

Name _____
(Print or type name of person signing contract)

Title _____
(Print or Type)

Dated: _____

Address _____

Approved as to Legal Form
► _____
Counsel
Date _____

Reviewed by Contract Compliance
► _____
Date _____

Presented to Board for Signature
► _____
Date _____