

AGENDA STAFF REPORT

MEETING NAME: Regular Board Meeting
MEETING DATE(S): August 11 & 15, 2022
FROM: Brian Macy – Assistant General Manager



FOR: ACTION X DIRECTION INFORMATION

FOURTH AMENDMENT TO PUBLIC WATER SYSTEM IMPROVEMENT AND WATER SERVICE CONNECTION FEE CREDIT/REIMBURSEMENT AGREEMENT BETWEEN SKYBORNE VENTURES, LLC, AND MISSION SPRINGS WATER DISTRICT

STAFF RECOMMENDATION

Authorize the General Manager to execute the Fourth Amendment to Public Water System Improvement and Water Service Connection Fee Credit/Reimbursement Agreement between Skyborne Ventures, LLC, and Mission Springs Water District and file with the Official Records of Riverside County.

SUMMARY

The District and Developer previously entered into that certain Public Water System Improvement and Water Service Connection Fee Credit/Reimbursement Agreement (Agreement) dated August 30, 2006, as amended by the First Amendment dated March 27, 2007, as further amended by the Second Amendment dated March 18, 2015, as further amended by the Third Amendment dated November 15, 2021, concerning the Skyborne Development.

District and Developer desire to amend certain terms of the Agreement on the terms and conditions set forth herein to allow the Developer to continue developing the Project and to provide for the timely and satisfactory completion of certain Improvements which are required by the Agreement and necessary for adequate water service by District for the 1530 Zone of the Skyborne Development. In lieu of the design and construction of Well 36-C, the Developer shall deposit a total of \$5,000,000 at specified times as describing in the Fourth Amendment.

ANALYSIS

This Fourth Amendment addresses the completion of certain public water service improvements, specifically Well 36-C, for the 1530 Zone of the Project. Pursuant to the Third Amendment, Developer delivered a Well Work Deposit to District, satisfying all obligations of Developer to design, construct, equip, complete and connect Well 34-C, Well 35-C, and the Intertie. This Fourth Amendment allows in exchange for delivery of the Well 36-C, the deposit a total of \$5,000,000 at specified times which will satisfy the Developer's obligation for the design and construction of Well 36-C as set forth in the Agreement. As such, the District shall provide sufficient water and irrigation meters for the construction of up to four hundred sixty-eight (468) additional residential units within the phases of the Project known as Village 3 and Village 10. The total number of residential units provided for under the Agreement and this Fourth Amendment is eight hundred seventy-eight (878) units.

FISCAL IMPACT AND STRATEGIC PLAN IMPLEMENTATION

There is no anticipated fiscal impact to the District as the Agreement and subsequent amendments provide adequate safeguards, as intended, to assure completion of the remaining work.

ATTACHMENTS

Fourth Amendment

Please upload all pertinent attachments using the Municode Meetings ADD ITEM function.