



## AGENDA STAFF REPORT

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**Agenda Number: A**  
**File ID: 0121.312.5**

**Section Name: Engineering**  
**Project ID: SW0001**

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**MEETING DATE:** August 13, 2024

**SUBJECT:** Authorize Agreement of Purchase and Sale and Instructions with James E. Bercaw, et al for the North Cathedral City Regional Stormwater Project (SW0001)

**TO:** BOARD OF DIRECTORS

**FROM:** ENGINEERING/STORMWATER, CARRIE OLIPHANT

### **GENERAL MANAGER RECOMMENDATION:**

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#### **RECOMMENDATION:**

Authorize the General Manager to execute the attached Agreement of Purchase and Sale and Instructions (Agreement) with James E. Bercaw for the North Cathedral City Regional Stormwater Project.

It is also requested that the Board of Directors approve the following expenditures:

- James E. Bercaw, et al:
  - Purchase price for 0.43 acre parcel APN 660-320-002 - \$2,800
- Title, escrow, closing costs - \$3,000
- Contingency (10%) - \$580

The total cost of this request is \$6,380

This request also authorizes the General Manager to execute any additional documents related to this acquisition transaction.

#### **BUDGET IMPACT:**

The total costs of this request is \$6,380. The Project (SW0001) is included in the Stormwater Fund Fiscal 2024-25 Capital Improvement Budget in the amount of \$12,000,000. Therefore, there is no adverse impact to the budget by approving this cost request. The Project is currently funded with Pay-go funds. In addition, this project was included in Resolution 2023-12 (adopted by the Board on June 13, 2023), which will allow CVWD to include eligible costs for this Project in a future bond issuance that is anticipated in FY 2026. Project costs incurred and funded by Pay-Go prior to the bond issuance will be reimbursed with bond proceeds once the issuance is completed.

**PROCUREMENT METHOD: N/A**

If other, please explain: .

**BACKGROUND**

The North Cathedral City Regional Stormwater Project consists of the design and construction of concrete slope protection, embankment improvements, and bridge under-crossing modifications to collect and convey regional flows from the Morongo Watershed between I-10 and the Union Pacific Railroad (UPRR) to the Whitewater River Stormwater Channel. The Project will remove approximately 50% of the flood hazards currently tributary to North Cathedral City and portions of the community of Thousand Palms.

The Bercaw property has been formally appraised by CVWD with the appraised value being accepted by the seller.

The Agreement is in substantial conformance with the final documents and is subject to minor changes prior to execution. The Agreement’s key provisions are as follows:

- Purchase price of \$2,800 for the Bercaw, et al property
- CVWD to pay for title and escrow costs
- Escrow to close within 30 days or sooner unless parties agree to change upon written notice
- Escrow closing subject to title being approved by CVWD

There are two additional parcels and one additional easement that needs to be acquired from three separate property owners. In addition, CVWD staff is working with the Coachella Valley Conservation Commission on a Memorandum of Understanding to dedicate a conservation easement on 42 acres of land. CVWD received a Bureau of Land Management Right-of-Way Grant, but is still working through the process for the other two permits (RWQCB 401 permit and CDFW 1602 permit). CVWD is also coordinating with Kinder Morgan to relocate a gas pipeline prior to CVWD starting construction on this Project. Kinder Morgan expects to begin construction in December 2024.

**PRIOR BOARD ACTION:**

June 13, 2023 - Reimbursement Resolution No. 2023-12 adopted by the Board

June 23, 2020 – Task Order No. 7 to MBI

August 10, 2021 – Amendment No. 1 to Task Oder No. 7 with MBI

September 26, 2023 – PSA with MBI

November 14, 2023 – Reimbursement Agreement with Kinder Morgan, Task No. 2 with Clark Land Resources, Inc., and Task No. 4 with Woodard & Curran

April 23, 2024 – Execute BLM Right of Way Grant Amendment

**DISTRICT STRATEGIC PLAN GOAL(S)/OBJECTIVES(S):**

N/A

**ENVIRONMENTAL IMPACT:**

Yes, attachments included:

Mitigated Negative Declaration

Notice of Determination – Mitigated Negative Declaration (June 2023)

**PUBLIC NOTICE REQUIRED**

N/A

**LEGAL REVIEW**

N/A

**ATTACHMENTS**

- Att 1 - BAI Map
- Att 2 - Purchase Agreement Bercaw Counterparts
- Att 3 - Appraisal Summary Bercaw (et al)
- Att 4 - Notice of Determination