



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Melissa Walker, Public Works Director/City Engineer

**AGENDA DATE:** January 21, 2025

**TITLE:** **AUTHORIZATION TO APPROVE A TEMPORARY LICENSE AND EASEMENT AGREEMENT FOR RIGHT OF ENTRY ACCESS TO THE COTTONWOOD INTERIM BASIN (REPORT OF: PUBLIC WORKS)**

**TITLE SUMMARY:** Authorization to Approve a Temporary License and Easement Agreement By and Between the City of Moreno Valley (Licensee), Spencer Keng and Jean Keng, Trustees of Spencer and the Jean Keng Family Trust, Chang T. and Meichu H. Lin, Trustees of the Lin Family Trust, and PEW Investments, a California Limited Partnership (Licensor) for Right of Entry Access to the Cottonwood Interim Basin on Cottonwood Avenue located within the border of the Licensor Real Property, Accessors Parcel Number 488-180-025 on Cottonwood Avenue

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### **Recommendation(s)**

That the City Council:

1. Authorize the approval of a Temporary License and Easement Agreement By and Between the City of Moreno Valley (Licensee), Spencer Keng and Jean Keng, Trustees of the Spencer and Jean Keng Family Trust, Chang T. and Meichu H. Lin, Trustees of the Lin Family Trust, and PEW Investments, a California Limited Partnership (Licensor) for Right of Entry access to the Cottonwood Interim Basin on Cottonwood Avenue, within the border of the Licensor Real Property, Accessors Parcel Number 488-180-025, as set forth by the terms and conditions of this Agreement.

### **SUMMARY**

This report recommends the approval of a Temporary License and Easement Agreement

(LEA) By and Between the City of Moreno Valley (Licensee), the Spencer and Jean Keng Family Trust, the Lin Family Trust, and PEW Investments (Licensor), for Right of Entry access to the Cottonwood Interim Basin (Interim Basin). The Interim Basin is an approximately 40,600 square foot sedimentation basin located within the border of the Licensor Real Property, Accessors Parcel Number 488-180-025. The Interim Basin was constructed to address downstream flooding issues affecting the area and surrounding communities. Approval of this Temporary License and Easement Agreement will grant the City, and its duly authorized representatives, Right of Entry access to the Interim Basin and supporting area, to operate, provide maintenance, and other necessary permitted improvement activities as per the terms and conditions of this agreement. Approval of the Temporary License and Easement Agreement does not pose any impact to the City's General Fund.

## **DISCUSSION**

The Cottonwood Interim Basin (Basin) is an approximately 40,600 square foot sedimentation basin located within the border of the Licensor Real Property, Accessors Parcel Number 488-180-025 on Cottonwood Avenue near Nason Street. In December 2016, the City entered into a Cooperative Agreement between the Riverside County Flood Control and Water Conservation District to construct and operate the Interim Basin to protect life and property by reducing downstream flooding issues adversely affecting the communities within Tract 19879 and the surrounding areas. Additionally, the City and the Licensor entered into a Temporary License and Easement Agreement (LEA) dated November 20, 2016, for a term ending June 30, 2023, that both parties mutually allowed to continue due to the Covid-19 pandemic and relevant government restrictions, which has since terminated.

This new Temporary LEA grants the City and its duly authorized representatives Right of Entry access to the Interim Basin. Permitted activities include maintenance of the Interim basin and supporting area, boundary walls, road improvements including bike paths, walkways, and landscaping. Other permitted activities may include construction testing, grading, alteration, demolition, installation, repair or maintenance, and inspections of construction activities as deemed necessary by any agencies having jurisdiction over the regulation and/or permitting of the Interim Basin.

Upon approval by the City Council, the Temporary License and Easement Agreement will continue for a term ending June 30, 2028.

## **ALTERNATIVES**

1. Approve and authorize the recommendations as presented in this report. This alternative will permit the City Right of Entry access to the Cottonwood Interim Basin to provide necessary upkeep and maintenance of the Interim Basin.
2. Do not approve the recommended actions as presented in this staff report. This alternative will delay the necessary upkeep and maintenance of the Interim Basin risking flooding impacts on the life and property of the communities and surrounding area serviced by the Cottonwood Interim Basin.

## **FISCAL IMPACT**

Approval of the Temporary License and Easement Agreement does not pose any impact to the City's General Fund.

## **NOTIFICATION**

Publication of the Agenda

## **PREPARATION OF STAFF REPORT**

Prepared By:  
Name: Harold Zamora, P.E.  
Title: Engineering Division Manager/Assistant City Engineer

Department Head Approval:  
Name: Melissa Walker, P.E.  
Title: Public Works Director/City Engineer

## **CITY COUNCIL GOALS**

Public Facilities and Capital Projects: Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Public Safety: Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

## **CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development**
- 2. Public Safety**
- 3. Library**
- 4. Infrastructure**
- 5. Beautification, Community Engagement, and Quality of Life**
- 6. Youth Programs**

Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

## Report Approval Details

Document Title:	STAFFREPORT_PW_CP_COTTONWOODINTERIMBASIN.docx
Attachments:	- Vicinity Map.pdf - Temporary Easement License Agreement 6-30-28 Expir.pdf
Final Approval Date:	Jan 15, 2025

This report and all of its attachments were approved and signed as outlined below:

Melissa Walker

Sean Kelleher

Natalia Lopez

Launa Jimenez

Brian Mohan

**No Signature - Task assigned to Mike Lee was completed by workflow administrator Patty Rodriguez**

Mike Lee

Patty Rodriguez