

HEBER PUBLIC UTILITY DISTRICT

REPORT TO BOARD OF DIRECTORS

MEETING DATE: April 18, 2019

FROM: Laura Fischer, General Manager

SUBJECT: Authorize the General Manager to Execute a Utility Agreement with County of Imperial

ISSUE:

Shall the Board of Directors authorize the General Manager to execute a Utility Agreement with County of Imperial?

GENERAL MANAGER'S RECOMMENDATION:

It is recommended that the Board of Directors authorize the General Manager to execute a Utility Agreement with County of Imperial.

FISCAL IMPACT:

NONE

BACKGROUND:

The Board gave direction to staff to work with the County of Imperial on the repairs to Heber Avenue. The Heber Avenue Improvement Project is funded with Federal funds that require a Utility Agreement between the County and Heber PUD. The Utility Agreement states that the HPUD owns and operates utilities in the project location, and that the project funds will be used to raise all of the effected manholes and water valves. The Utility Agreement also states that the Heber PUD will not have to pay for any manhole or valve adjustment.

The District counsel has reviewed the Utility Agreement without modifications or issue.

CONCLUSION:

Staff has attached Utility Agreement for your consideration. Staff recommends authorizing the General Manger to execute the Utility Agreement with the County of Imperial to ensure Federal funds are available to make needed repairs to Heber Avenue between Correll Road and Highway 86.

Respectfully Submitted,

Laura Fischer,
General Manager

Attachment: Utility Agreement

Exhibit 14-F Utility Agreements

UTILITY AGREEMENTS

(ICPW)

Imperial County Public Works

UTILITY AGREEMENT

County	Route	P.M.	Project #
Imperial	Heber Ave	0.5	ICPW PN 6278
Fed. Aid. No. FERPL16 - 5958 (103)			
Owner's File Plans No. R-960 / Imperial County Public Works Project No. 6278			
FEDERAL PARTICIPATION: On the Project : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> On the Utilities: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			

UTILITY AGREEMENT NO. 1

The ICPW hereinafter called "LOCAL AGENCY" proposes to raise sewer manholes and water valve covers to new AC grade on Heber Ave, in Heber City/Town, Imperial County, California.

And: HPUD Heber Public Utility District

hereinafter called "OWNER," owns and maintains the impacted facilities; within the limits of LOCAL AGENCY's project that requires relocation of said facilities to accommodate LOCAL AGENCY's project.

It is hereby mutually agreed that:

I. WORK TO BE DONE:

In accordance with Notice to Owner No. 1 dated April 5, 2019, LOCAL AGENCY shall relocate OWNER's sewer manhole and storm drain manhole covers and water valve covers as shown on LOCAL AGENCY's contract plans for the improvement of Heber Ave. from the Correll Rd. to Fawcett Rd., which by this reference are made a part hereof. OWNER hereby acknowledges review of LOCAL AGENCY's plans for work and agrees to the construction in the manner proposed.

Deviations from the plan described above initiated by either the LOCAL AGENCY or the OWNER, shall be agreed upon by both parties hereto under a Revised Notice to Owner. Such Revised Notices to Owner, approved by the LOCAL AGENCY and agreed to/acknowledged by the OWNER, will constitute an approved revision of the plan described above and are hereby made a part hereof. No work under said deviation shall commence prior to written execution by the OWNER of the Revised Notice to Owner. Changes in the scope of the work will require an amendment to this Agreement in addition to the revised Notice to Owner. OWNER shall have the right to inspect the work during construction. Upon completion of the work by LOCAL AGENCY, OWNER agrees to accept ownership and maintenance of the constructed facilities and relinquishes to LOCAL AGENCY ownership of the replaced facilities except in the case of liability determined pursuant to Water Code 7034 or 7035.

II. LIABILITY FOR WORK

The existing facilities are lawfully maintained in their present location and qualify for relocation at LOCAL AGENCY's expense under the provisions of Section (702) or (703) of the Streets and Highways Code.

III. PERFORMANCE OF WORK

OWNER shall have access to all phases of the relocation work to be performed by LOCAL AGENCY, as described in Section I above, for the purpose of inspection to ensure that the work is in accordance with the specifications contained in the Highway Construction Contract; however, all questions regarding the work being performed will be directed to LOCAL AGENCY's Resident Engineer for their evaluation and final disposition.

IV. PAYMENT FOR WORK

The LOCAL AGENCY (ICPW) shall perform the work under Section 1 above at no expense to OWNER, work consists of raising the sewer/storm drain manhole covers and the water valve covers to the new AC overlay grade

V. GENERAL CONDITIONS

Upon completion of the work to be done by LOCAL AGENCY in accordance with the above- mentioned plans and specifications, the new facilities shall become the property of OWNER, and OWNER shall have the same rights in the new location that it had in the old location.

IN WITNESS WHEREOF, the above parties have executed this Agreement the day and year above written.

LOCAL AGENCY
Imperial County Public Works (ICPW)

OWNER
Heber Public Utilities District (HPUD)

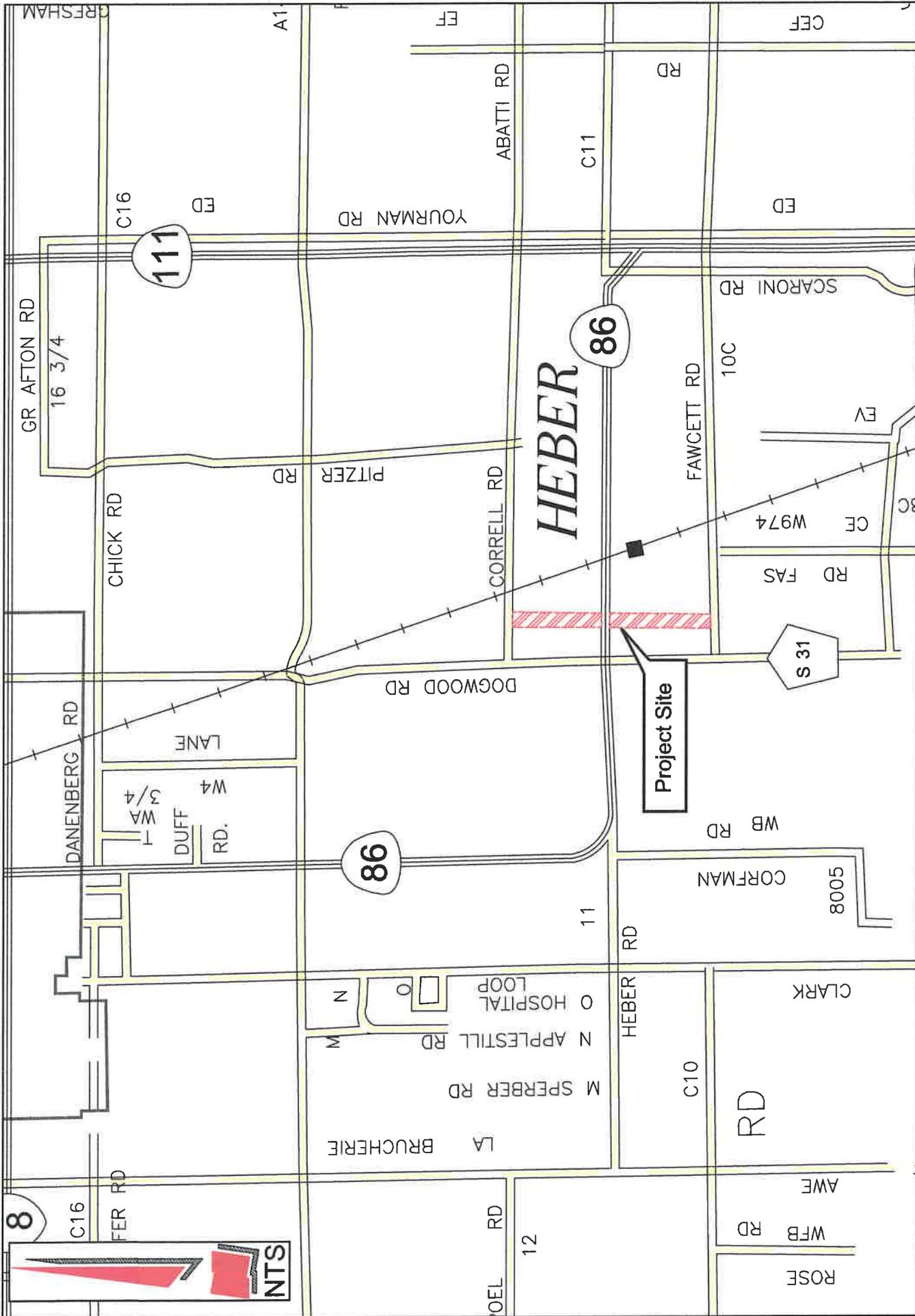
By: John A Gay signature
(Name) John A Gay
Local Agency Director Public Works Director

By: _____
(Name) Laura Fischer
(Title) General Manager

Date: 4/8/19

Date: _____

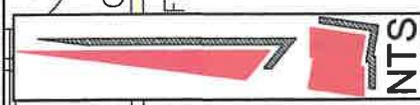
Distribution: 1) Owner, 2) Utility Coordinator, 3) DLAE -File, 4) District Utility Coordinator - File



DRAWN: O.B.M.
 DRAWING No.: L-1013A
 DATE: 04/05/19

HEBER AVE. IMPROVEMENTS
 FROM CORRELL RD. TO FAWCETT RD. IN IMPERIAL COUNTY
 FEDERAL PROJECT No. DEMO-5958(046)
 COUNTY PROJECT No. 6278
LOCATION MAP

IMPERIAL COUNTY
PUBLIC WORKS DEPARTMENT
EL CENTRO, CALIFORNIA





**IMPERIAL COUNTY
PUBLIC WORKS DEPARTMENT
EL CENTRO, CALIFORNIA**

**HEBER AVE. IMPROVEMENTS
FROM CORRELL RD. TO FAWCETT RD. IN IMPERIAL COUNTY
FEDERAL PROJECT No. DEMO-5958(046)
COUNTY PROJECT No. 6278
LOCATION MAP**

DRAWN:	O.B.M.
DRAWING No.:	L-1013B
DATE:	04/05/19



DRAWN: O.B.M.
 DRAWING No.: L-1013C
 DATE: 04/05/19

HEBER AVE. IMPROVEMENTS
FROM CORRELL RD. TO FAWCETT RD. IN IMPERIAL COUNTY
 FEDERAL PROJECT No. DEMO-5958(046)
 COUNTY PROJECT No. 6278
LOCATION MAP

IMPERIAL COUNTY
PUBLIC WORKS DEPARTMENT
EL CENTRO, CALIFORNIA



Exhibit 14-D Notice to Owner

NOTICE TO OWNER

Imperial County Public Works _____

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NOTICE TO OWNER

No. 1

COUNTY	ROUTE/ STREET	POST MILES	PROJECT #
Imperial	Heber Ave.	0.5	6278
Federal Aid No. FERPL16-5958(103)			

Owner's Plan No. R-960 / Imperial County Project No. 6278

Date: 04/05/19 **"On-System"** Yes No

To: Heber Public Utility District (HPUD)
1078 Dogwood Road #103, Heber, CA 92249

Because of the Imperial County Public Works _____ transportation project to Heber Avenue Improvements Overlay Heber Ave. ADA ramps, and adjustment of sewer/storm manholes and water valve covers to new AC grade
This project will be along Heber Ave. from Correll Rd to Fawcett Rd.
in The Townsite of Heber in Imperial County

which affects your facilities: sewer manhole and valve covers as shown on Plans Number R-960 .

You are hereby ordered to: review & sign this Notice to Owner Form EX 14D .

Your work schedule shall be: from N/A to N/A

Notify N/A telephone N/A , -- hours prior to initial start of work, and an additional --- hours notification for subsequent starts when the work schedule is interrupted.

Liability is 100 % Owner (County of Imperial) pursuant to see below .
The ICPW has budgeted this line item as part of the total project cost estimate. HPUD has no funds to do this work.

Owner Rep: Laura Fischer, General Manager
Public Works Coordinator
(Rep's address if differ from the above)

cc: Resident Engineer
Permit

By John A. Gay
Local Agency Director
John A. Gay, Public Works Director

THIS NOTICE DOES NOT CONSTITUTE A PERMIT. OBTAIN AN ENCROACHMENT PERMIT BEFORE STARTING WORK.

Distribution: 1) Owner, 2) Utility Coordinator – File, 3) RE – File
4) DLAE – File, 5) District Utility Coordinator - File