BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In the Matter of:

Revised Policy for Acceptance)
Of Certain Existing Private)
Streets into the City's Public)
Roadway Network)

Resolution No. 59 -18

WHEREAS, the City has an existing policy regarding the criteria for accepting existing private streets for public maintenance which was ratified in Resolution 56-90 and approved by the City Council on August 28, 1990; and

WHEREAS, per the Orinda General Plan states in accordance with Section 2.3.2 "Circulation: Implementing Policies", subsection G, the following: "Voluntary dedication of private streets will be considered for acceptance by the City on a case-by-case basis when streets and drainage systems are improved to City standards and present no expense to the City upon dedication."; and

WHEREAS, the City Council discussed the matter of accepting private roads at its April 10, 2018 and July 10, 2018 meetings and directed Staff to present a revised policy to amend the current policy as outlined in Resolution 56-90; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Orinda does finds, determines, and orders as follows: Resolution 56-90 is rescinded/superseded with Resolution 59-18 - Revised Policy for Acceptance of Certain Existing Private Streets into the City's Public Roadway Network as set forth in Exhibit "A" attached to this resolution is adopted.

The above and foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Orinda held on the 4th day of September, 2018 by the following vote:

AYES:	COUNCILMEMBERS:	Orr, Miller, Worth
NOES:	COUNCILMEMBERS:	Gee
ABSENT:	COUNCILMEMBERS:	Phillips
ABSTAIN:	COUNCILMEMBERS:	None

Amy R. Worth

Amy Worth, Mayor

ATTEST:

Sheri Marie Smith

Sheri M. Smith, City Clerk

EXHIBIT A for RESOLUTION 59-18 (SUPERSEDES Resolution 56-90)

Date: September 4, 2018

Revised Policy for Acceptance of Certain Existing Private Streets into the City's Public Roadway Network

City of Orinda Policy Statement regarding Acceptance:

The acceptance of existing, privately maintained roads into the City's public roadway network shall be by Resolution of the City Council and shall be subject to the following criteria:

This added condition is the main difference between this resolution and its predecessor 56-90. It is designed to exclude 5 miles of roads in recent developments, Wilder and Orinda Grove.

A. The request for acceptance shall be signed by all record owners of fee interest in the road in question. This will apply in all cases where a private road has not been covered previously by an offer of dedication.

B. Except where the City Council approves an exception, private roads for which a homeowners' association or similar entity was established for subdivision street ownership/maintenance are NOT eligible for acceptance by the City.

C. The road in question shall directly connect to a Orinda public street.

90% of private streets are cul de sacs and could not meet this requirement. 30 miles of public Residential streets are also cul de sacs or loops which would be disqualified.

D. There shall be a demonstrated need for the incorporation of the road in question into the City's Public Roadway Network for purposes of traffic circulation which provides benefit to the general public.

E. Consistent with the City's General Plan, any road proposed for inclusion in the City's Public Roadway Network shall be repaired or upgraded, at no expense to the City, to standards that the City has adopted for this purpose, which are as follows:

1. Pavement conditions – improvements shall be made as necessary to the asphalt and/or roadbed to provide a pavement life of 20 years. The roadway shall be in a condition as to not need surface maintenance treatment for a minimum of 5 years.

2. Drainage – adequate capacity of all drainage facilities shall be demonstrated and all damaged and undersized facilities shall be repaired and/or replaced to the satisfaction of the City Engineer.

3. Soil Stability – a soils investigation, by a registered Civil Engineer with the title of "Soils Engineer" or "Geotechnical Engineer" as outlined in section 6736.1 of the Professional Engineers Act, shall be conducted for the

roadway, right-of-way, and adjacent up and down slopes. The investigation shall also include the study of slides on adjoining property. The road area shall be stabilized to the satisfaction of the City Engineer.

4. Grades – the longitudinal grade of any section of the roadway shall not exceed 20 percent.

5. Minimum width – the minimum width of the road shall be 16 feet. The roadway shall be widened, to the satisfaction of the City Engineer on recommendation from the Fire Chief, at existing or future fire hydrant locations. On-Street parking shall be restricted on roads with widths of less than 28 feet.

6. Traffic Control Devices – signing and striping shall be installed and safety measures shall be taken to reduce potential traffic safety incidents to the satisfaction of the City Engineer.

7. Fire Department Access – the roadway shall be accessible to emergency vehicles. This may require additional street widening and construction of turn-around areas. The City Engineer on recommendation from the Fire Chief shall determine whether the roadway is in compliance with this criteria.

8. Alignment and Sight Distance – the alignment and sight distances along the roadway shall be evaluated by a registered civil engineer. Improvements shall be implemented in non-complying areas to the satisfaction of the City Engineer. Fifteen mile per hour (15 mph) design speed shall be used for sight distance requirements and a minimum of 50 foot horizontal centerline radius shall be used for the geometric standards.

9. Clear title of the right-of-way area shall be provided to the City, with appropriate recordation on all affected parcels. The City Attorney will evaluate, on a case-by-case basis, whether this clear title requirement can be met through City acceptance of an open offer to dedicate a given street recorded as part of the relevant subdivision map.

10. Street name signs shall be installed that match City signs.

11. Private development on the property fronting the road generally meets zoning and subdivision standards applicable to property on public roads.

12. Compliance with the above criteria and standards shall be subject to the review and approval of the City Engineer.

F. Interested private road owners who wish to initiate this private road acceptance process must submit a sufficient deposit for the preparation of an Engineer's Report to determine the necessary repairs/upgrades, including the total improvement cost to meet the requirements of Section E.

1. The private road owners may elect to conduct the repairs with their own selected contractor, under the inspection by the City Engineer's staff. Upon confirmation all repairs/upgrades are completed and appropriate right-of-way dedications are cleared by the City Attorney, the City Engineer will request the City Council to accept the private road into the City's Public Roadway Network.

2. The City, at the its sole discretion, may facilitate setting up a special benefit assessment district for interested fronting property owners along a private road. A minimum of 60% of all fronting property owners along the private road must confirm in writing (via a petition) of their support for a potential special benefit assessment district. Each fronting property owner who signed the petition in favor of the district shall deposit $1,000 to the City to initiate the process of holding public hearings and sending ballots to all property owners in the proposed special benefit assessment district.

   If the district is approved (greater than 50% in favor), then the $1,000 deposits shall be returned to each fronting property owner. The City will accept the private road into the City's Public Roadway Network. The calculated annual assessments would be included on the property tax bills for each property included in the district. The City would begin preparing bid documents to complete the necessary repairs/upgrades and construct the project. The City would then be repaid over a 10 to 30 year period from these annual property assessments.

   If the district is NOT approved (50% or less in favor), then the City will retain each fronting property owner's $1,000 deposit to recover some of the processing cost of the public hearings and mailing of ballots.