



DISCUSSION ITEMS

Agenda Item # 10

AGENDA REPORT SUMMARY

Meeting Date: October 10, 2017

Subject: Diamond Court

Prepared by: Christopher Lamm, Engineering Services Manager

Reviewed by: Susanna Chan, Public Works Director

Approved by: Chris Jordan, City Manager

Attachment(s):

1. Letter from Diamond Court Residents

Initiated by:

Staff

Previous Council Consideration:

None

Fiscal Impact:

\$100,000 and ongoing street maintenance

Environmental Review:

Not applicable

Policy Questions for Council Consideration:

- Should the City consider adding Diamond Court to the City's public street network?

Summary:

- Diamond Court is a private street off Berry Avenue with no current ownership
- Residents of Diamond Court are requesting to partner with the City on reconstruction of the poor condition street and for the City to take on maintenance responsibilities

Staff Recommendation:

Authorize the City Manager to enter into an agreement with residents of Diamond Court to reconstruct Diamond Court and ultimately accept maintenance responsibility as public right-of-way.



Subject: Diamond Court

Purpose

Diamond Court is a private street off Berry Avenue. The homeowners along Diamond Court have requested assistance and are willing to partner with the City on the reconstruction of Diamond Court if the City will take on maintenance responsibility as a City owned and maintained street.

Background

There are 41 private streets located within the City limits. Private streets are streets that have either never been offered or accepted by the City as public right of way. Many are separate parcels within planned developments or are parcels with definitive ownership to an adjacent parcel.

Diamond Court is a small street (roughly 50' wide by 466' long) off Berry Avenue. The court has been listed as a private street since the City's incorporation. After conducting research with our City Surveyor and a local title company it has been confirmed that the court is still owned by private entity, Robert H. Diamond. Mr. Diamond was the original owner of the adjacent parcels, which before City incorporation were developed into single family homes along Diamond Court. Mr. Diamond to the best of our knowledge no longer exists and the homeowners have not been able to contact any next of kin about transfer of ownership.

Diamond Court is a unique situation amongst the City's private streets list in that it is still owned by the underlying developer and not by any adjacent parcel or separate home owner's association.

Diamond Court itself is in very poor condition due to over 60 years of neglect necessitating full reconstruction at an estimated cost of \$200,000. The homeowners have requested the City to take on the maintenance responsibility of Diamond Court as a regular City street.

There are utilities (storm, sewer, water, gas, and overhead electric) in Diamond Court and garbage collection is performed. Under California easement law the City currently has no requirement to perform street maintenance on Diamond Court.

Discussion/Analysis

Diamond Court, besides never having been officially dedicated for public right of way, appears to have been originally constructed in a manner consistent with other public streets of the era. The right of way of Diamond Court is 50 feet wide and there are both storm drain and sewer utilities located within its limits. It is staff's opinion that procedurally, the act of requiring dedication and subsequent acceptance of the roadway at the time of development prior to City incorporation was an oversight that was never corrected.

The homeowners along Diamond Court have requested assistance and are willing to partner with the City on the reconstruction of Diamond Court if the City will take on maintenance responsibility as a City owned and maintained street. The homeowners are willing to participate in a 50 percent cost



Subject: Diamond Court

share for the reconstruction of the street if the City is willing to claim ownership of Diamond Court as public right of way and perform regular street maintenance. See attached letter from residents of Diamond Court.

Engineering staff have prepared a cost estimate for the repair and reconstruction of Diamond Court. It is expected to cost approximately \$200,000 to bring Diamond Court up to current City standards for a residential street.

The inclusion of Diamond Court would add 0.17 lane miles to the existing 227 lane miles managed by the City, or an increase of 0.075%. This would constitute an approximately \$1,500 per year increase for ongoing maintenance to the City's \$2M pavement management program.

Options

- 1) Authorize the City Manager to and enter into an agreement with residents of Diamond Court to reconstruct Diamond Court and ultimately accept maintenance responsibility as public right of way.

Advantages: The street will be repaired to City standards and the roadway can be added to the City's street maintenance list for regular maintenance. Poor conditions which pose safety concerns for pedestrians and cyclists who use Diamond Court will be remediated. This option would be the quickest solution to the issue be presented to the City by the residents of Diamond Court.

Disadvantages: While ongoing maintenance of the street will minimally add to the City's overall pavement management program, initial capital costs of approximately \$100,000 to reconstruct Diamond Court are not currently budgeted

- 2) Require full repair of the street before consideration of acceptance of public right of way. Similar to annexation requirements, the City could require full reconstruction of Diamond Court to current City standards as a condition of acceptance.

Advantages: The street will be repaired to City standards and the roadway can be added to the City's street maintenance list for regular maintenance. Poor conditions which pose safety concerns for pedestrians and cyclists who use Diamond Court will be remediated. The City would not incur capital costs associated with the repair and reconstruction of Diamond Court.

Disadvantages: The homeowners along Diamond Court do not own or partially own Diamond Court and would need to seek legal options to allow the work to be performed.



Subject: Diamond Court

Excessive costs for repair and reconstruction may prohibit the homeowners from considering this option.

- 3) Do not consider acceptance of Diamond Court as public right of way. The homeowners along Diamond Court could be required to repair Diamond Court on their own and seek legal opinions on their options for the creation of a home owner's association (HOA) and ultimately claiming of ownership of Diamond Court as a private street to be managed by the HOA.

Advantages: The City would not incur capital costs associated with the repair and reconstruction of Diamond Court and would not incur ongoing maintenance responsibilities and costs.

Disadvantages: Excessive costs for repair and reconstruction may prohibit the homeowners from considering this option.

Recommendation

The staff recommends Option 1

August 16, 2017

Chris Lamm
Engineering Services Manager / City Engineer

RE: City of Los Altos taking over the ownership and maintenance of the abandoned property known as Diamond Court.

The adjacent properties of Diamond Court would like the City of Los Altos to take over the ownership and maintenance of the abandoned property known as Diamond Court. We do not consider Diamond Court a private road. The original owner has been deceased for decades. We believe it was an oversight that it wasn't turned over from the county to the city with the rest of the adjacent properties.

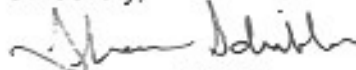
In our previous meetings with you it was agreed that Diamond Court's situation is completely unique. There are no other roads in the City in the same predicament as this court; therefore, we do not believe it can set a precedent for other private streets to become public streets within the city.

Diamond Court is frequently used by other members of our community for walking, biking and parking. It is also used by the City of Mountain View to service their property at the end of the road. The City of Los Altos has always hired people to clean it, pick up garbage and deliver mail. Our adjacent properties have no advantage of a private street. It is just a court like all the other city-owned courts in Los Altos.

With that being said, we would all like to see Diamond Court be made safe, maintained and recognized as a city street by the City of Los Altos. To make this happen we would be willing to contribute up to 50% of the total cost estimate of \$196,960 that you provided us via electronic mail on Friday, August 11 of the current year, assuming it will be in the center of the 50 ft easement making a 18' wide of AC travel lane and 3' AC drainage swale at each side of the street. This would be a one-time contribution to the city through assessments on the eight lots touched by the court, based proportionately on the frontage on the benefited street with payments spread over many years.

We are eager to get the road in a safe condition and would like to meet with the City Council by the end of September. Please do whatever special versus general benefit analysis that you need to do to complete your recommendation. Our 50% contribution is only offered if we can come to an agreement within a reasonable timeframe with the city, without the need for legal help.

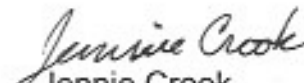
Sincerely,


Sharon Schibler
1150 Diamond Court


Jim Randolph
1155 Diamond Court


Lee Rhodes
1165 Diamond Court


Robin Lee
935 Berry Avenue


Jennie Crook
1140 Diamond Court
(GENEVIEVE MONSEES)
