



City Council Report

Date: March 16, 2020
To: City Council
Through: Karolyn Kent, Assistant City Manager
From: Christine Zielonka, Development Services Department Director
Veronica Gonzalez, Development Services Project Manager
Subject: Right-of-Way Maintenance Agreement for Estates at Hermosa Ranch
Council District 5

Purpose and Recommendation

The purpose of this report is to recommend that the City Council approve a resolution authorizing the City Manager to enter into a maintenance agreement with McDowell Citrus 100, LLC for a development known as Estates at Hermosa Ranch. The development is a 12-lot single residence subdivision located south of McDowell Road and east of Val Vista Drive.

Background

In 2014, the City Council approved rezoning the property from Single Residence 35 (RS-35) to Single Residence 35 Planned Area Development (RS-35-PAD). The development will be gated with private streets and includes large, single residence lots ranging from 32,000 to 43,000 square feet.

Adjacent to a portion of the west boundary of the development is a section of right-of-way for 40th Street. This section of 40th Street right-of-way measures approximately 40' wide by 281.42' long and contains 0.156 acres. The right-of-way in this location is unimproved and does not provide access to adjacent properties but is adjacent to the entrance to the developer's subdivision. To enhance the visual impact of the subdivision entrance and increase the overall quality of the development, the developer proposes to install and assume maintenance responsibilities for landscaping within the right-of-way.

Discussion

The purpose of the maintenance agreement is to establish terms related to the installation and maintenance of landscaping within the 40th Street right-of-way. Per the terms of the maintenance agreement, the developer, at their sole cost and expense, is responsible for installing the landscaping within the right-of-way. The landscape improvements include

plant material, decomposed granite or other similar ground cover, and an irrigation system for proper watering and maintenance.

The developer will also assume all responsibilities and costs associated with maintaining, repairing, and replacing the landscape improvements installed in the right-of-way. At such time that the developer transfers control of the homeowner's association (HOA) to the residents, the HOA shall be responsible for the maintenance, repair, and replacement of the landscape improvements at their sole cost and expense. The term of this maintenance agreement shall run for 25 years with automatic 15-year renewals thereafter. However, this maintenance agreement does not limit the City's ability to use the right-of-way for any future public improvements or City projects.

Alternatives

The following alternatives are presented for consideration:

1. Approve the maintenance agreement for Estates at Hermosa Ranch.
2. Deny approval of the maintenance agreement, which would have the effect of 40th Street right-of-way remaining unimproved.

Fiscal Impact

The proposed maintenance agreement will not result in any new fiscal impact. The right-of-way for 40th Street in this location is currently undeveloped. The developer will bear all cost and expense associated with the proposed landscape improvements.