



Sierra Peak/Kraft Ranch (TM 28999) Outline - Public vs. Private Storm Drains

October 18, 2019

2

Purpose of Outline

The below slides will outline how to identify the **public** storm drains included within Tract Map 28999 (“TM 28999”) (commonly known as Sierra Peak or Kraft Ranch), which are *different* than the **private** storm drains within TM 28999.

3

Easements to the City

<p>SHEET 1 OF 14 SHEETS NUMBER OF LOTS 91 NUMBER OF LETTERED LOTS 16 ACREAGE IN LOTS 96.921 ACREAGE IN LETTERED LOTS 103.406 TOTAL ACREAGE: 199.999 ACRES</p>	<h3 style="margin: 0;">TRACT NO. 28999</h3> <p style="margin: 0;">IN THE CITY OF CORONA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA</p> <p style="margin: 0;">A PORTION OF SEC. 32, TOWNSHIP 3 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN A PORTION OF LOT 3, TRACT 20872-11, IN THE CITY OF CORONA</p> <p style="margin: 0;">HUNSAKER AND ASSOCIATES IRVINE, INC. RORY S. WILLIAMS, L.S. 6654 DATE OF SURVEY: AUGUST, 2000</p>	<p>RECORDER'S CERTIFICATE FILED THIS 13th DAY OF Nov 2002, AT 8:00 A.M. IN BOOK 326 OF MAPS, AT PAGES 19-22 AT THE REQUEST OF THE CITY CLERK FEE: \$ 23.600 NO. 2002-0041800 GARY ORSO, COUNTY RECORDER BY: <i>[Signature]</i> DEPUTY SUBDIVISION GUARANTEED BY: FIDELITY NATIONAL TITLE COMPANY</p>
--	---	---

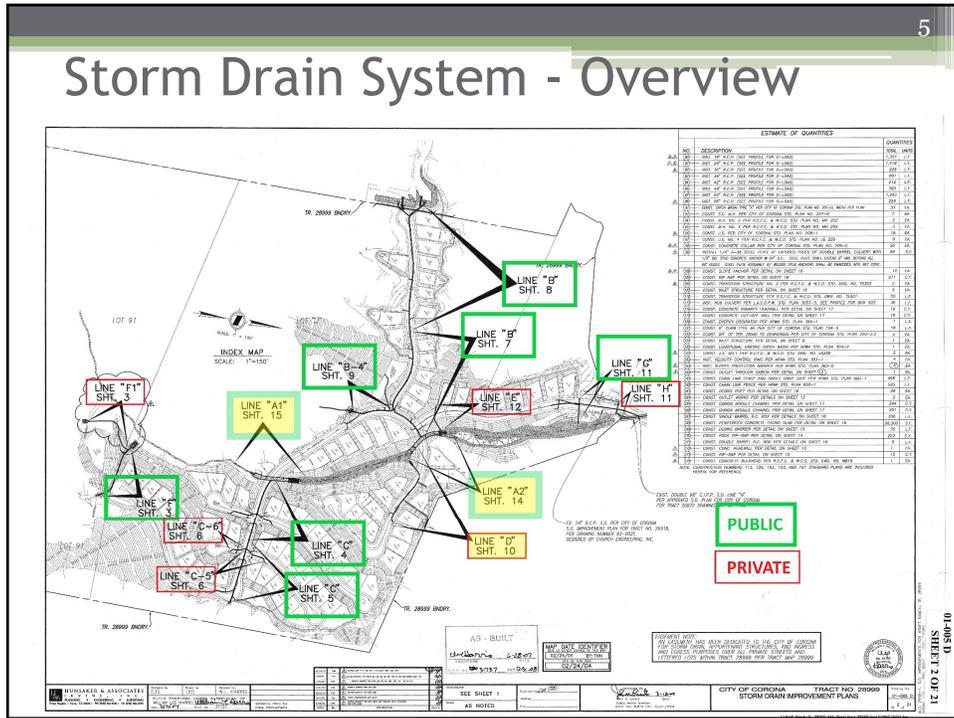
<p>OWNERSHIP STATEMENT: WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME INTEREST IN THE LAND INCLUDED WITHIN THE SUBDIVISION SHOWN HEREON. THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID LAND AND THAT WE HEREBY CONSENT TO THE MAKING OF THIS MAP.</p> <p style="background-color: yellow; border: 1px solid red; padding: 2px;"> THAT WE DO HEREBY DEDICATE TO THE CITY OF CORONA AN EASEMENT OVER ALL INTERIOR PRIVATE STREETS, LOTS "A" THROUGH "I", INCLUSIVE, FOR SANITARY SEWER, WATER AND STORM DRAIN PURPOSES AND, WOODS AND FOREST FOR UTILITY MAINTENANCE AND EMERGENCY VEHICLES.</p> <p> WE ALSO HEREBY DEDICATE, IN FEE, TO THE CITY OF CORONA LOT "P" FOR PUBLIC UTILITY PURPOSES. WE ALSO HEREBY DEDICATE TO THE CITY OF CORONA GARAGE DRIVE AS SHOWN HEREON. WE ALSO HEREBY DEDICATE TO THE CITY OF CORONA THE ACCESS EASEMENTS SHOWN HEREON. WE ALSO HEREBY DEDICATE TO THE CITY OF CORONA THE WATER EASEMENTS SHOWN HEREON. WE ALSO HEREBY DEDICATE TO THE CITY OF CORONA THE STORM DRAIN EASEMENTS SHOWN HEREON. WE ALSO HEREBY RETAIN FOR PRIVATE USE, FOR THE BENEFIT OF OURSELVES, OUR SUCCESSORS, ASSIGNEES AND LET OWNERS WITHIN THIS TRACT MAP, THE FOLLOWING: LOTS "J" THROUGH "O" INCLUSIVE FOR OPEN SPACE PURPOSES. LOTS "A" THROUGH "I" FOR PRIVATE ACCESS PURPOSES.</p>	<p>SURVEYOR'S CERTIFICATE: I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS MAP, CONSISTING OF THIRTEEN (13) SHEETS, CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING AUGUST, 2000, AND THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, OR WILL BE IN PLACE WITHIN 90 DAYS AFTER ACCEPTANCE OF IMPROVEMENTS. THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRAZED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN.</p> <p style="text-align: center;"> <i>Rory S. Williams 9/10/02</i> RORY S. WILLIAMS, L.S. 6654 EXPIRATION DATE: 12/31/03</p> 
---	--

4

Easements to the City

When TM 28999 was approved, the City was provided easements over the property based on the ownership statement on the above slide (highlighted in yellow), in addition to dedicated easements over all street lots "A" through "I".

"Storm drains" are included within the list of authorized easement purposes.



Storm Drain System - Overview

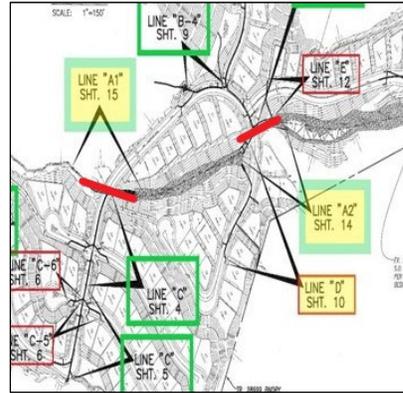
This is an overview of the storm drain system for TM 28999, which consists of **both private and public** storm drain improvements, as called out in the Storm Drain Improvement Plans for Tract No. 28999 (Drawing 01-005) prepared by Hunsaker and Associates (“Storm Drain Plans”).

Identified on the slide are both **public and private** lines with their corresponding sheet numbers. For purposes of this outline, we have identified **public lines in green** and **private lines in red**.

Lines Highlighted in Yellow - Examples Used On Slides 9 Through 14 Below

- ✓ **Private Line D** (Sheet 10) is highlighted on slides 9 & 10, not because it is directly relevant to the clean-up work in question, but simply as an example of how **private** storm drain lines are identified on the Storm Drain Plans.
- ✓ **Public Line A1** (Sheet 15) and **Public Line A2** (Sheet 14) are the locations of the clean-up work in question during the 2018/19 rain season, so those are highlighted on slides 11 through 14.

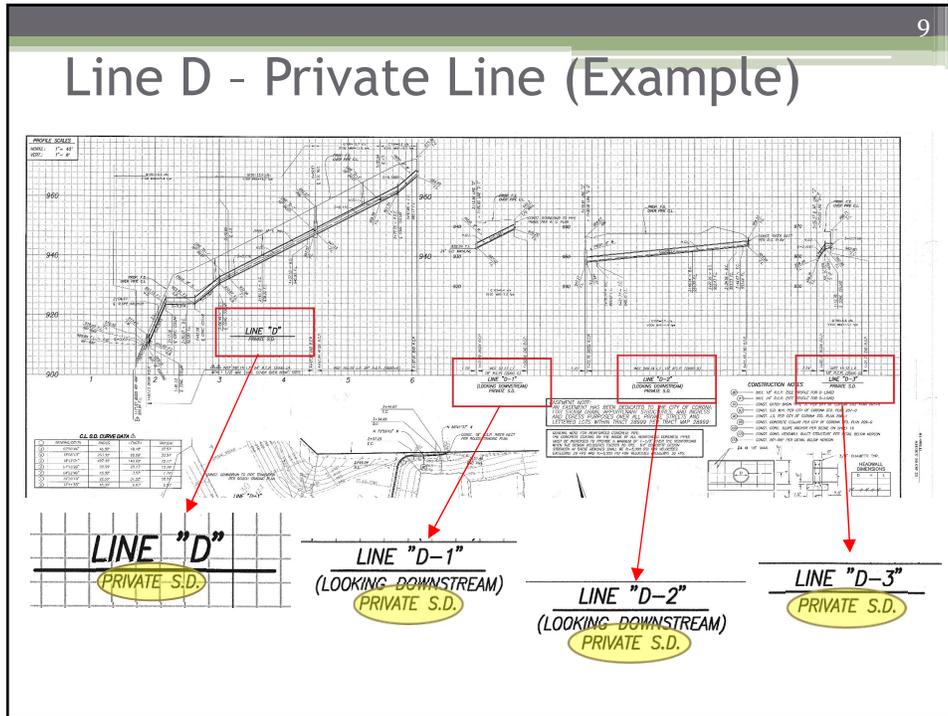
Clean-Up Locations



Clean-Up Locations

As indicated on Slides 5 & 6, **Public Lines A1 & A2** are the locations of the clean-up work in question during the 2018/19 rain season.

The above picture (on the left) was part of the agenda report by which the contract for the work was approved, and the locations of the work indicated in the picture match those indicated on Slide 5 for **Public Lines A1 & A2** (see magnified image of Slide 5 above on the right).



10

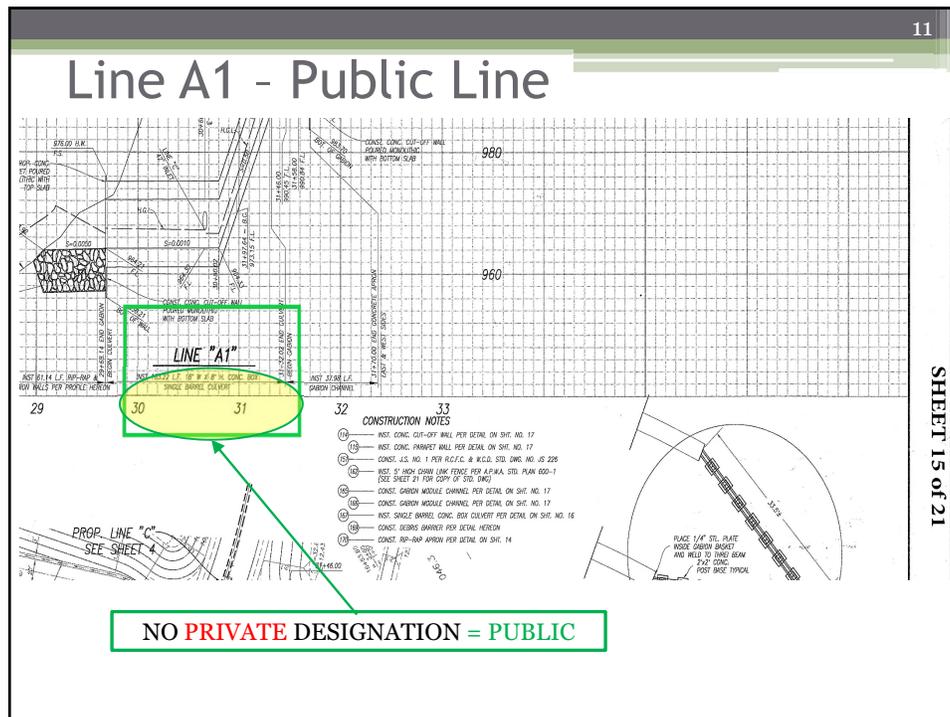
Line D - Private Line (Example)

Sheet 10 (Example): As shown in the 4 boxes outlined in red above, as well as the magnified “call-outs” highlighted in yellow, Lines D and D-1 thru D-3 respectively are referenced with “Private S.D.” (Private Storm Drain) on TM 28999.

All private storm drains for TM 28999 are referenced in this manner.

All Private Lines on Storm Drain Plans: For clarification, all of the following lines are referenced as private storm drains on the Storm Drain Plans:

- ✓ Sheet 3 (Lines F-1 and F-2);
- ✓ Sheet 4 (Lines C-1, C-1-a, C-2, C-2a C-2b, C-3, and C-4);
- ✓ Sheet 5 (Lines C-7, C-8, C-9, C-9a, and C-10);
- ✓ Sheet 6 (Lines C-5, C-5a, C-5b, C-6, C-6a, and C-6b);
- ✓ Sheet 7 (Lines B-1 thru B-7);
- ✓ Sheet 8 (Lines B-8 thru B-12);
- ✓ Sheet 9 (Lines B-4b thru B-4c-1);
- ✓ Sheet 10 (Lines D and D-1 thru D-3);
- ✓ Sheet 11 (Lines G-1, H and H-1 thru H-2); and
- ✓ Sheet 12 (Line E)



12

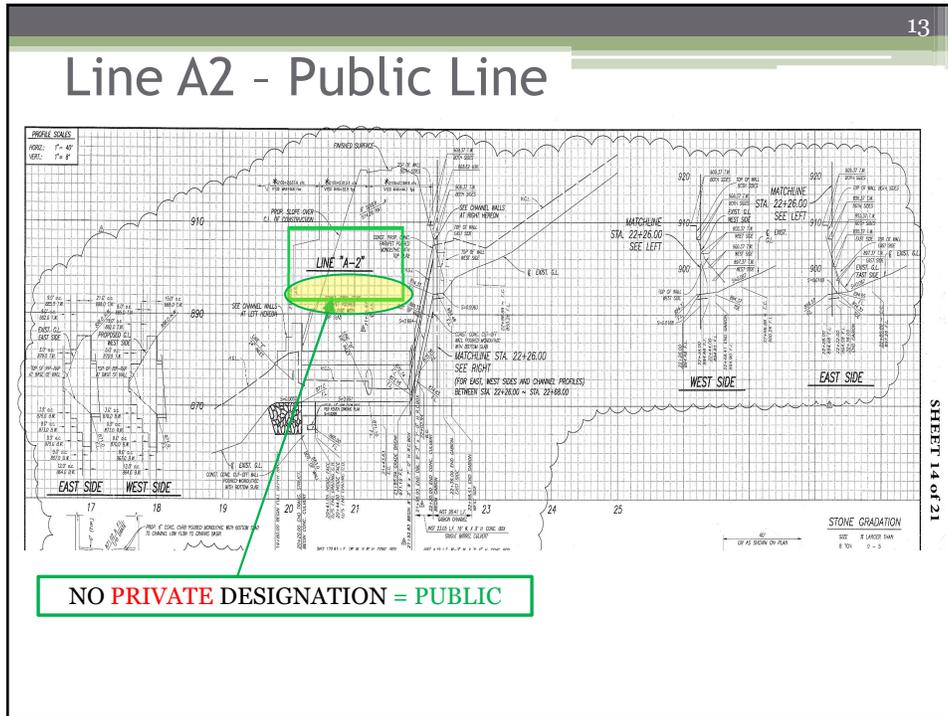
Line A1 - Public Line

Sheet 15: Line A1 provides no indication that it is private. Thus, it is public.

All public storm drains for TM 28999 are referenced in this manner. Essentially, unless a line is marked as "private" it is a public facility.

All Public Lines on Storm Drain Plans: For clarification, all of the following lines are referenced as public storm drains on the Storm Drain Plans:

- ✓ Sheet 3 (Line F);
- ✓ Sheets 4 and 5 (Line C);
- ✓ Sheets 7 and 8 (Line B);
- ✓ Sheet 9 (Lines B-4 and B-4a);
- ✓ Sheet 11 (Line G);
- ✓ Sheet 14 (Line A2); and
- ✓ Sheet 15 (Line A1)

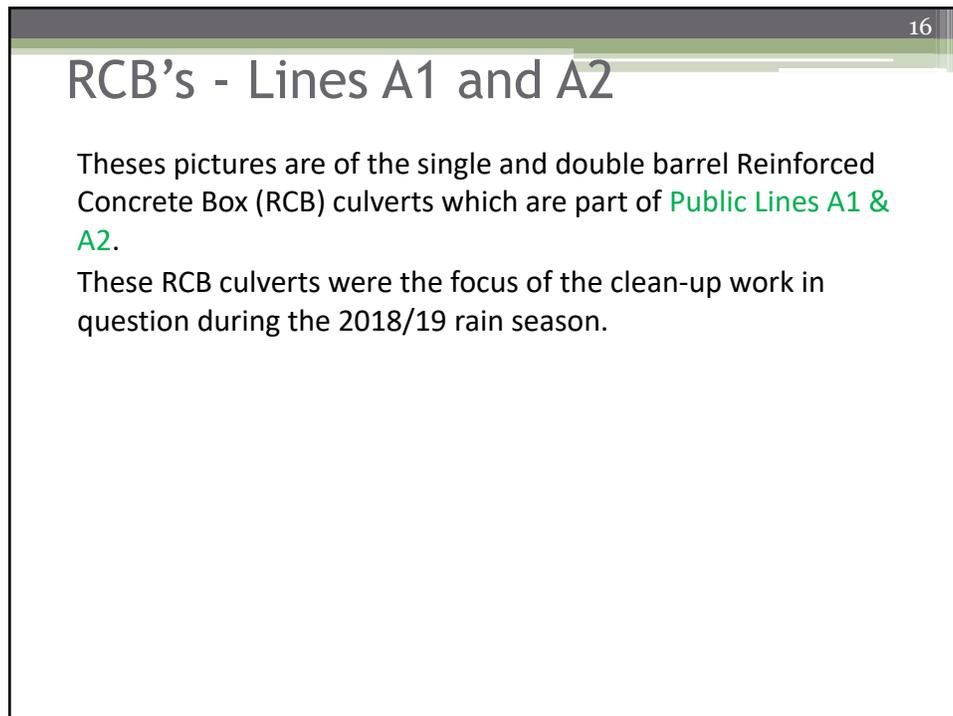
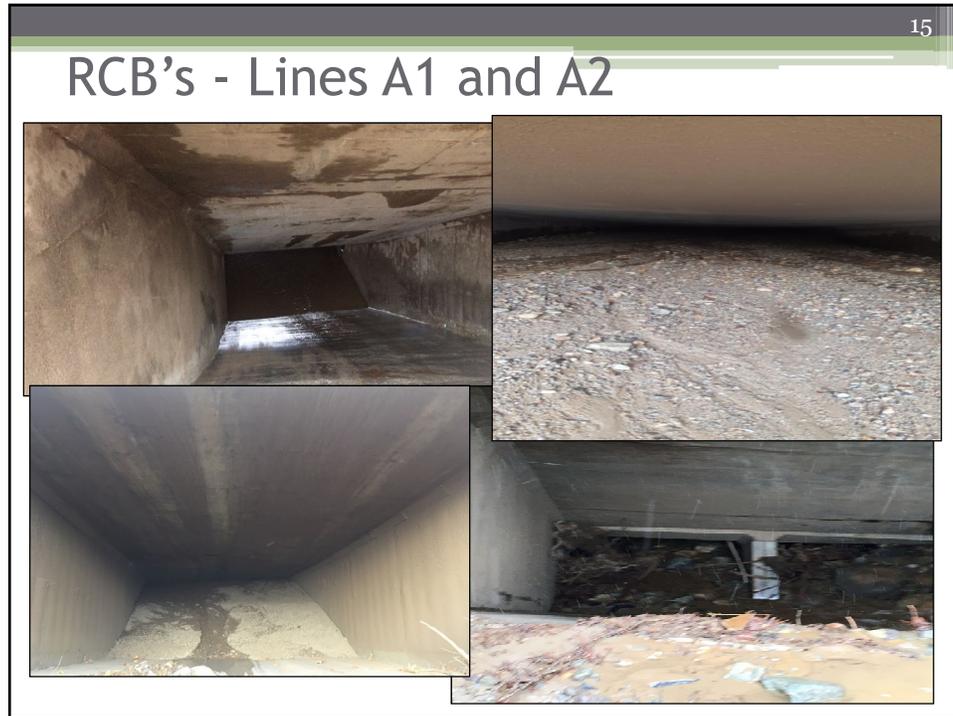


14

Line A2 - Public Line

Sheet 14: Line A2 also provides no indication that it is **private**. Thus, it is **public**.

*All **public** storm drains for TM 28999 are referenced in this manner. Essentially, unless a line is marked as "**private**" it is a **public** facility.*



17

Public Improvement Agreement

CONCLUSION: (For City Clerk use only)

- ADOPTED WITHOUT CHANGE
- APPROVED - APPROVED WITH CHANGES
- DEFERRED TO NEXT MEETING - DEFERRED
- DEFERRED TO NEXT MEETING - DEFERRED
- REACTION EXPRESSED BUT PASSED
- REACTION EXPRESSED BUT PASSED
- REACTION EXPRESSED BUT PASSED
- SET FOR PUBLIC HEARING

Agenda Report No. CC-12-000000

REQUEST FOR CITY COUNCIL ACTION

DATE: August 16, 2012
 TO: Honorable Mayor and City Council Members
 FROM: Public Works Department
 SUBJECT: **ACCEPTANCE OF IMPROVEMENTS AND RELEASE OF SECURITIES FOR TRACT 28999 - CPH SIERRA PEAK, LP**

RECOMMENDED ACTION:
 That the City Council take the following actions:

1. Accept the improvements for Tract 28999.
2. Release the Faithful Performance Security for Tract 28999. (Bond No. FP 08051740)
3. Release the Labor and Material Security Tract 28999. (Bond No. LM08051740)

ANALYSIS:
 The Developer, CPH Sierra Peak, LP, entered into an Improvement Agreement with the City on October 16, 2002, to secure the construction of public improvements associated with the development of Tract 28999. The project is located at the corners of Cambridge Street and Park Street, as shown on Exhibit "A". All public improvements secured by the improvement agreement have been completed and the surety on behalf of the developer (including economic with the "private streets" for public use) has been released to the City. The City has determined to conduct the development in an effort to allow the HCA to assume complete ownership and maintenance of their private facilities and for the City to assume clear ownership and maintenance of public facilities. Council acceptance of this public improvement is needed.

FISCAL IMPACT:
 All City funds: \$0.00
 CC 076 12 Acceptance of Improvements and Release of Securities for Tract 28999: \$0.00 File No. CC -

18

Public Improvement Agreement

In October of 2002, the City entered into a **Public Improvement Agreement** with the developer for TM 28999. **Public Improvement Agreements** are used to guarantee the construction by the developer of improvements which will be dedicated to and accepted by the City.

Public improvements for this community included not only storm drains, but also streets, sewers, water facilities, a water pump station, grading and engineering monuments.

The **public** improvements were completed and eventually accepted by the City in August of 2012.

19

HOA CC&R's - Association Easement Area

EXHIBIT "A"
ASSOCIATION EASEMENT AREA

(The Association Easement Areas as depicted in this Exhibit were necessarily drawn to scale and shall be governed by fencing or other boundaries as may be imposed in the field.)

(Any drawings representing areas other than Association Easement Areas within the Properties are contained herein for informational purposes only and shall not be binding as to any representation of product type, location of building, grading, Association maintenance responsibilities or scale.)

Any Association Easement Area depicted on this Exhibit which is applicable to a Phase which is not an Annexed Phase is subject to change, and in the event of any discrepancies between the Association Easement Area depicted on this Exhibit and any Association Easement Area described or depicted in a Supplementary Declaration, the Supplementary Declaration shall control as to such Phase.

Landscaping/FM2 including areas of Lot 91, slopes, walls or storm drains, on individual lots maintained by HOA

20

HOA CC&R's - Association Easement Area

Some confusion has been raised about the "Association Easement Area" which is defined and referenced in the HOA CC&R's and described in Exhibit "A" to the CC&R's.

The confusion presumably stems from the fact that Exhibit "A" references "storm drains" along with other structures on individual lots which are to be maintained by the HOA.

However, as outlined in the slides above, there are **both private** and **public** storm drains throughout TM 28999. Thus, it is not surprising to see the CC&R's mention the obligation of the HOA to maintain the **private** storm drains, as the CC&R's set forth the relative rights and obligations of the HOA to come onto private individual lots for such purpose.

21

HOA CC&R's - Association Easement Area

ARTICLE VII
DUTIES AND POWERS OF THE ASSOCIATION

Section 3. General Powers and Duties of Association. In addition to the duties and powers conferred upon the Association by the provisions of the CC&R's provided for herein, and without limiting the generality thereof, and subject to the limitations on the power of the Board as set forth in Sections 4 and 5 of this Article, the Association, acting through the Board shall:

(a) **Own, operate and maintain all Common Area (including private streets, street lights and private utilities) and Association Easement Area** within the Properties in

29

ARTICLE I
DEFINITIONS

Section 7. Association Easement Area. The term "Association Easement Area" shall mean and refer to **certain landscaping, slopes, walls or storm drains** located on individual Lots within the Properties and Offsite Association Easement Areas, as such term is defined hereinbelow, **which the Association is responsible for maintaining.** The Association Easement Area is depicted Exhibit "A" attached hereto. The Association shall have a nonexclusive easement for maintenance purposes over the Association Easement Area. The Association, acting through the Board, may reasonably restrict access to all or any portion of the Association Easement Area.

22

HOA CC&R's - Association Easement Area

The CC&R's do not, and typically would not, have a discussion about which facilities are **public** and which are **private**. That is not the function of CC&R's; rather, CC&R's substantively address the corresponding rights and obligations of the HOA and the property owners vis a vis each other, including those involving **private** improvements.

For instance, in Article I, Section 7 of the CC&R's, the Association Easement Area is defined to mean and refer to certain landscaping, slopes, walls and storm drains which the Association is responsible for maintaining and which are located on individual lots and offsite. It is not referring to all facilities, such as **public** facilities, just **private** facilities. This is because CC&R's do not typically address maintenance of **public** facilities. It further provides that the HOA shall have a nonexclusive easement for maintenance purposes over the Association Easement Area.

Finally, CC&R's do not typically create easements in favor of the City or otherwise include much detail regarding the City's easement rights or obligations. As is the case with TM 28999 (see Slides 3 & 4), the City typically obtains its easement rights for large developments on the tract map.