



STAFF REPORT

CITY of YORBA LINDA

PUBLIC WORKS DEPARTMENT

DATE: MARCH 15, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JAMIE LAI, P.E., DIRECTOR OF PUBLIC WORKS / CITY ENGINEER
PREPARED BY: REGINA HU, P.E., SENIOR CIVIL ENGINEER

SUBJECT: APPROVAL OF RIGHT-OF-WAY USE AGREEMENT FOR CIELO VISTA DEVELOPMENT WITH LENNAR HOMES

RECOMMENDATION

It is recommended that the City Council approve a Right-of-Way Use Agreement for the Cielo Vista Development with Lennar Homes.

BACKGROUND

The 83 acres Cielo Vista Development ("Project") is situated north of Via del Agua and Stonehaven Avenue, east of San Antonio Road per Tract Map 17341. The development was formally annexed to the City of Yorba Linda from the County of Orange on December 20, 2019, through the Local Agency Formation Commission of Orange County, California (LAFCO). As part of the annexation, the following documents are in effect dictating the terms and conditions of this transaction:

- Cooperative Agreement between the City and County of Orange
- Pre-Annexation Agreement between the City and original developer (North County BRS Project, LLC)
- LAFCO Resolution CA 19-03

Since its annexation in 2019, the original developer sold the property to Lennar Homes of California. The majority of the Cielo Vista Development sits within County of Orange jurisdiction and will be privately owned and maintained by the future Homeowner's Association (HOA). However, a portion of the future privately owned roadway (named Palo Verde) is situated within the City's roadway easement just north of Via del Agua as shown in Attachment 1. As such, a standard right-of-way use agreement is required to define ownership and post-construction maintenance responsibilities between the City and Lennar Homes/ future HOA.

DISCUSSION

The City will be issuing Encroachment and Grading Permits to Lennar Homes for the Cielo Vista Project contingent upon execution of a Right-of-Way Use agreement. Basic terms of this Right-of-Way Use Agreement specify that the developer (Lennar Homes) and future HOA will maintain private roadway, bridge and related infrastructure including retaining walls and abutments, landscaping, curb, gutter, and sidewalks. Utility agencies will maintain their own infrastructure. The City of Yorba Linda will maintain the equestrian trail and equestrian fencing within the City's jurisdiction.

FISCAL IMPACT

There is no direct fiscal impact associated with this report. Lennar Homes and the future Homeowner's Association are responsible for all costs associated with the development of this agreement, administrative fees, and future maintenance of related infrastructure.

ALTERNATIVES

The City Council may elect to not approve the Right-of-Way Use agreement; however, that alternative would leave ownership and post-construction maintenance responsibilities for the Cielo Vista Development unclearly defined. This ambiguity in future maintenance responsibilities may create a financial burden for City's Public Works maintenance staff.

ATTACHMENTS

Attachment 1 – Cielo Vista Right-of-Way Use Agreement
