



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council

Date: June 25, 2013

From: Brad Miller, Town Engineer

Item No: 11

Subject: DISCUSSION ON PRIVATE ALLEYS

T.M. Approval: \_\_\_\_\_

Budgeted Item:  Yes  No  N/A

### RECOMMENDED ACTION:

Provide direction to staff.

### SUMMARY:

In response to Councilmember Cusack's inquiry, staff has investigated the existing alleys that serve the properties along Kamana Road, Muni Road, Apple Valley Road, and other roadway segments that were created as part of Tract Map No. 7802, here in Apple Valley. Tract Map 7802 was a fairly large subdivision in 1968, and created approximately 540 residential and commercial lots. The area in question is north of State Route 18, and immediately east and west of Apple Valley Road. Staff's investigation focused specifically on the maintenance and current condition of the existing improved alleys that were constructed by this subdivision, and to understand why the Town of Apple Valley does not maintain them as we do the other improved roadways within our jurisdiction.

### BACKGROUND:

To provide some history, Tract Map No. 7802 created the public roadways and the adjacent alleys in this area, and was recorded under San Bernardino County jurisdiction in 1968. The attached signature page of Tract Map No. 7802, and a sample sheet showing typical Alley locations, reveals that while the subdivision proposed to offer several 20 foot wide alleys to the County as public right-of-way, the County of San Bernardino rejected the alley right-of-way dedications, along with proposed drainage easements, and declined to accept the alley improvements into the County network of

maintained public roadways. I did some research and have discovered that this rejection of alleys is consistent with the policy of most cities in San Bernardino County. I contacted the San Bernardino County Department of Transportation to better understand why.

The reason these alleys were declined primarily relates to the portfolio of funding sources that Regional and Local jurisdictions rely on to fund public roadway maintenance. In brief, alley ways and other private roads that do not conform with minimum roadway improvement standards for a "Local Road" (as defined by the Federal Highway Administration's "Functional Classification" criteria), are not eligible to be included in our annual "Maintained Public Road Mileage and Highway Performance Monitoring System", (HPMS) Maintained Mileage Report. This system inventories the miles of roadway that each jurisdiction must maintain, and is the basis for road maintenance funding apportionment and allocation. Simply stated, the County, (and now the Town), does not receive funding to maintain alleys.

Because of this funding gap, the County and most cities have for many years declined to accept alleys as public roadways. The alleys that are declined as public roads remain as private roadways and serve as common "driveways" for the benefiting adjacent properties. Maintenance of the private roadway remains the responsibility of the underlying owner(s), similar to a commonly shared road within a private community.

The question regarding maintenance of these alleys then becomes how and by whom? Since the alley is technically not a public road, and is not a dedicated public right-of-way, the Town does not have a clear role to play in resolving those issues. Today such situations are avoided or addressed well in advance. Before a private road is created within a private community, the project must include some form of funding mechanism like a Special Benefit Assessment District or Home Owners Association, (HOA), for perpetual maintenance of common areas and improvements. A Special Benefit Assessment District is often initiated, and they may include the formation of a "backup" special benefit assessment district to ensure that the private improvements are cared for even if the private funding mechanism should fail. In this circumstance a mechanism similar to a "Lighting and Landscape Maintenance Assessment District" might be appropriate if the benefitting property owners wished to form one. The Town could participate in the administration of the district, as we do with lighting and landscaping assessment districts, and improve and maintain the private alleys using the Special Assessment District revenues.

Fortunately, there are relatively few properties in Apple Valley that are served by a private improved alley. The unimproved "Public Utility Easements", (PUEs), which exist throughout many areas of Town, are a different matter entirely. They were never intended to serve as public alleys or for the purpose of providing public access to

properties. They do not include any previous offer of public right-of-way dedication. They are simply rear and side yard property utility easements like those commonly found in older subdivisions throughout Southern California. The older subdivisions in Apple Valley that created these utility easements often include restrictions that require the easements to be kept clear of fencing for utility access. Some of the Utility Easements even include "Baseline Equestrian Trail" restrictions, (probably due to the equestrian heritage of our community), and thus do include public access and the appearance of an unimproved public alley. In most cases the use of the easement is limited to authorized utilities with facilities within the easement area.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Tract Map 7802 signature page, (with an enlargement of the Acceptance Certificate), and a sample sheet from Tract Map 7802 showing typical alleys near Apple Valley Road and State Route 18.

100/56  
4-88

# TRACT NO. 7802 IN THE COUNTY OF SAN BERNARDINO

Sheet 1 of 13 Sheets

BEING A SUBDIVISION OF A PORTION OF SECTION 2 AND A PORTION OF THE NORTH ONE-HALF OF SECTION 11, T5N, R4W, S.B.M., ALL LYING NORTHERLY OF STATE HIGHWAY NO. 18, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

LUDWIG ENGINEERING

## DESERT KNOLLS MANOR-UNIT NO. 1

### AUDITOR'S CERTIFICATE:

I hereby certify that according to the records of this office as of this date there are no taxes against the real property shown upon the annexed map for unpaid State, County, Municipal or local taxes or special assessments collected as follows:

Dated January 15, 1968  
JOCELYN M. COX, County Auditor  
County of San Bernardino, California  
By: John J. Fackler, Deputy.

### OWNER'S CERTIFICATE

We hereby certify that we are all and the only parties having any record title interest in the land subdivided as shown on the annexed map and we consent to the preparation and recording of this final map, and we hereby dedicate to the County of San Bernardino County Drainage Easements and Lots 12 thru 14, as future streets shown on said map within said subdivision, and we hereby reserve to ourselves, our heirs and assigns for the use and benefit of the several public utility companies which are authorized to serve in said subdivision easements for public utility purposes, situated on said map as "U.L.E." and further by the recording of this map, we hereby dedicate to the County of San Bernardino, all rights of vehicular ingress to or egress from lots 876, 878, 879, and 882, and from lots 187 thru 188 inclusive, lots 189 thru 197 inclusive, lots 197 thru 198 inclusive, lots 198 thru 199 inclusive, and from lot 187 over and across the Eastern and Western lines of said lot abutting APPLE VALLEY ROAD, saving and excepting the access openings as shown on said map, and by the recording of this map, we hereby dedicate to the County of San Bernardino all rights of ingress to or egress from WILK ROAD over and across the Southern and Western lines of said Wilk Road being adjacent to STATE HIGHWAY NO. 18, saving and excepting the access openings as shown on said map, and by the recording of this map we hereby dedicate to the County of San Bernardino, all rights of ingress to or egress from Lot 9 over and across the Eastern line of said lot abutting TINJA ROAD, from Lot 9 over and across the Eastern line of said lot abutting SISKIYOU ROAD, from Lot 9 over and across the Eastern line of said lot abutting TOLD ROAD, from Lot 9 over and across the Southeastern line of said lot abutting MOTO ROAD, from Lot 9 over and across the Southern line of said lot abutting APPLE VALLEY ROAD, from Lot 9 over and across the Southern line of said lot abutting SISKIYOU ROAD, from Lot 9 over and across the Southern line of said lot abutting TUSCORA ROAD, from Lot 9 over and across the Eastern line of said lot abutting KASOTA ROAD, from Lot 9 over and across the Southern line of said lot abutting MOUNT ROAD, from Lot 9 over and across the Southern line of said lot abutting KASOTA ROAD, from Lot 9 over and across the Southwestern line of said lot abutting KASOTA ROAD, and from Lot 9 over and across the Western line of said lot abutting SISKIYOU ROAD.

### BOARD OF SUPERVISOR'S CERTIFICATE:

I hereby certify that a bond in the sum of \$10,000 has been executed and filed with the Board of Supervisors of the County of San Bernardino, State of California, conditioned upon the payment of all taxes, State, County, Municipal or local, and all special assessments, collected as taxes, which at the time of the filing of the annexed map with the County Auditor are a lien against said property, but not yet payable and that the subdivisor has filed with me a certificate by the proper officer giving by estimate of the amount of said taxes and assessments, and said Board has been duly approved by said Board of Supervisors.

Dated: Jan 15, 1968  
K DENNIS HARDE, County Clerk  
and Ex-Officio Clerk of the Board of Supervisors.  
By: John J. Fackler, Deputy

### COUNTY SURVEYOR'S CERTIFICATE:

I hereby certify that I have examined the annexed map, that the subdivision shown thereon is substantially the same as it appeared on the tentative map and any approved alterations thereof, and that all the provisions of the Subdivision Map Act and San Bernardino County Ordinance No. 968 have been complied with and I am satisfied that this map is substantially correct.

Dated: Jan 22, 1968  
J.W. ABBY, County Surveyor  
County of San Bernardino, California.  
By: John J. Fackler, Deputy

### ENGINEER'S CERTIFICATE

I, Alan L. Ludwig, hereby certify that I am a Registered Civil Engineer of the State of California and that this map consisting of 13 Sheets is a true and complete representation of a survey made under my supervision in June 1967, and that all the monuments shown, hereon are of the character and occupy the positions indicated, or will be set in such positions as or before January 1, 1968, in compliance with section 1866 of the Business and Professions Code, and are or will be sufficient to enable the survey to be retraced.

Dated: January 22, 1968  
Alan L. Ludwig  
Registered Civil Engineer No. 15107

### ACCEPTANCE CERTIFICATE:

The County of San Bernardino, State of California, by and through its duly authorized officers hereby approves of and accepts this map of Tract No. 7802, the foregoing offers of dedication and all streets subject to the improvement in accordance with County Standards but rejects lots 9 thru 14 inclusive, alleys, and San Bernardino County Drainage Easements.

Dated: January 22, 1968  
COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA  
By: John J. Fackler  
Acting Chairman, Board of Supervisors

ATTEST:  
K DENNIS HARDE  
County Clerk and Ex-Officio  
Clerk of the Board of Supervisors.  
By: John J. Fackler  
Deputy

### SIGNATURE OMISSION:

The signature of The Pacific Telephone and Telegraph Company, the owner of an easement for pole line and conduits as disclosed by instrument recorded May 13, 1950 in Book 650 Page 59, Official Records, and modified by instrument recorded October 20, 1957 in Book 830, Page 603, Official Records, and by instrument recorded September 3, 1959 in Book 856, Page 877, Official Records, and modified by instrument recorded October 20, 1957, in Book 830 Page 650, Official Records, records of San Bernardino County has been omitted under the provisions of Section 1867, Subsection 9 of the Subdivision Map Act. The subdivision is shown into a fee, and which signatures are not required by the County of San Bernardino.

DIVISION OF HIGHWAYS:  
Map Approved: Alan L. Ludwig  
District Engineer, District 13A  
Division of Highways, State of California  
Dated: Jan. 22, 1968.

TITLE INSURANCE AND TRUST COMPANY, California  
VERS JACO JACO  
President  
Vice President  
Vice President

### NOTARY ACKNOWLEDGEMENT:

STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
On this day of January, 1968, before me, Alan L. Ludwig, Registered Civil Engineer, of said County, personally appeared VERS JACO JACO, known to me to be the President and Vice President respectively of TITLE INSURANCE AND TRUST COMPANY, a California Corporation, the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation. Herein I acknowledge to me that such corporation executed the within instrument pursuant to the by laws or a resolution of the Board of Directors.  
Notary Public and for said County and State  
My Commission expires 12-6-79

### NOTES:

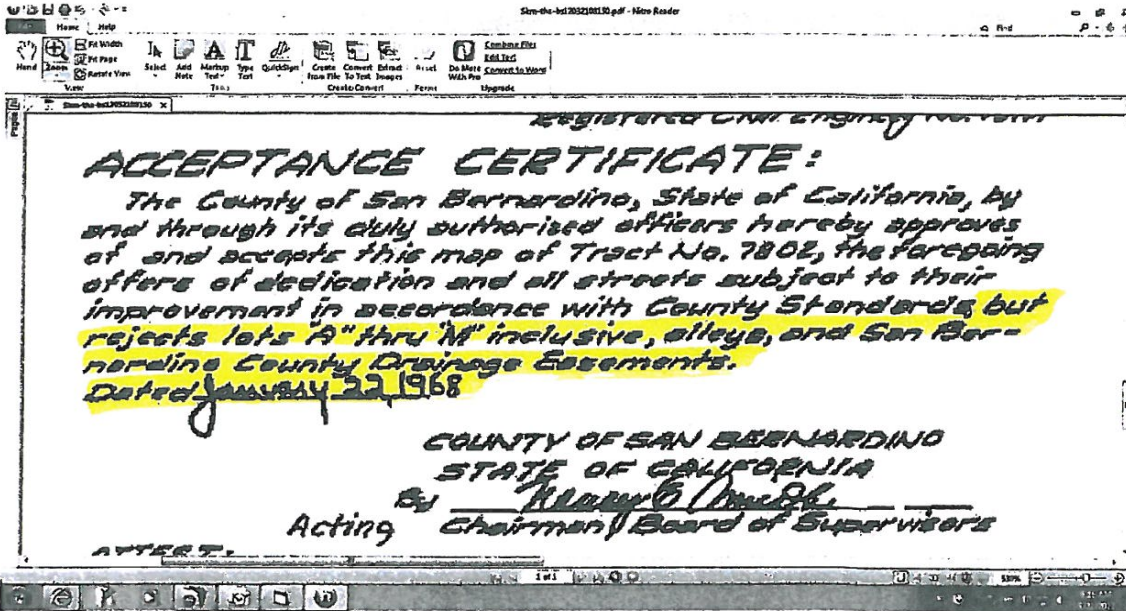
- 1. Books of bearings taken from the East line of the Southeast corner of Section 2, T5N, R4W, S.B.M., being N118°00'W on per-tract No. 5778 on file in Book 72 Page 8-9, exclusive of minor records of San Bernardino County.
- 2. Indicators (Iron Pipe and Hipped Pipe) were observed and if monuments in curb and gutter are set flush with surface, if monuments in roadway and gutter are set 6" below finished grade, with indicator caps set on surface if monuments in alley are set 6" below finished grade with nail and top set of surface when they fall in concrete gutter otherwise a railroad spike is in the surface.
- 3. Indicators 2" Dia. Pipe set Hipped 6" C.C. 100.
- 4. Indicators monuments found as noted.
- 5. Original monument had set 6" below finished grade and set at intersection of curb on tangent produced.
- 6. 2 1/2" x 1 1/2" rebar stakes, painted white, Hipped 6" C.C. 100, at all lot corners unless otherwise noted.
- 7. E.L. indicates Building Setback Line.
- 8. E.L. indicates Public Utility Easement.
- 9. E.L. in Subdivision County Surveyor's Field Book.
- 10. Lots 9 through 14, are future streets.
- 11. This subdivision contains 889 Lots.
- 12. Bearings were obtained from the monument at the corner of the Sub-tract as marked by J.L. Sisk, R.C. 100, on September 20, 1967.

AMENDED - OFFICIAL  
RECORDS - BOOK 856 PAGE 877

517  
Filed this 22nd day of  
JAN 1968 at 11:15 AM  
in Book 100 of MAPS  
at the  
Records San Bernardino  
County at Request of  
The Recorder and Trust Company  
TED R. CARPENTER  
COUNTY RECORDER  
TR # 290

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4-88





100/60  
4-088

Sheet 5 of 15 Sheets

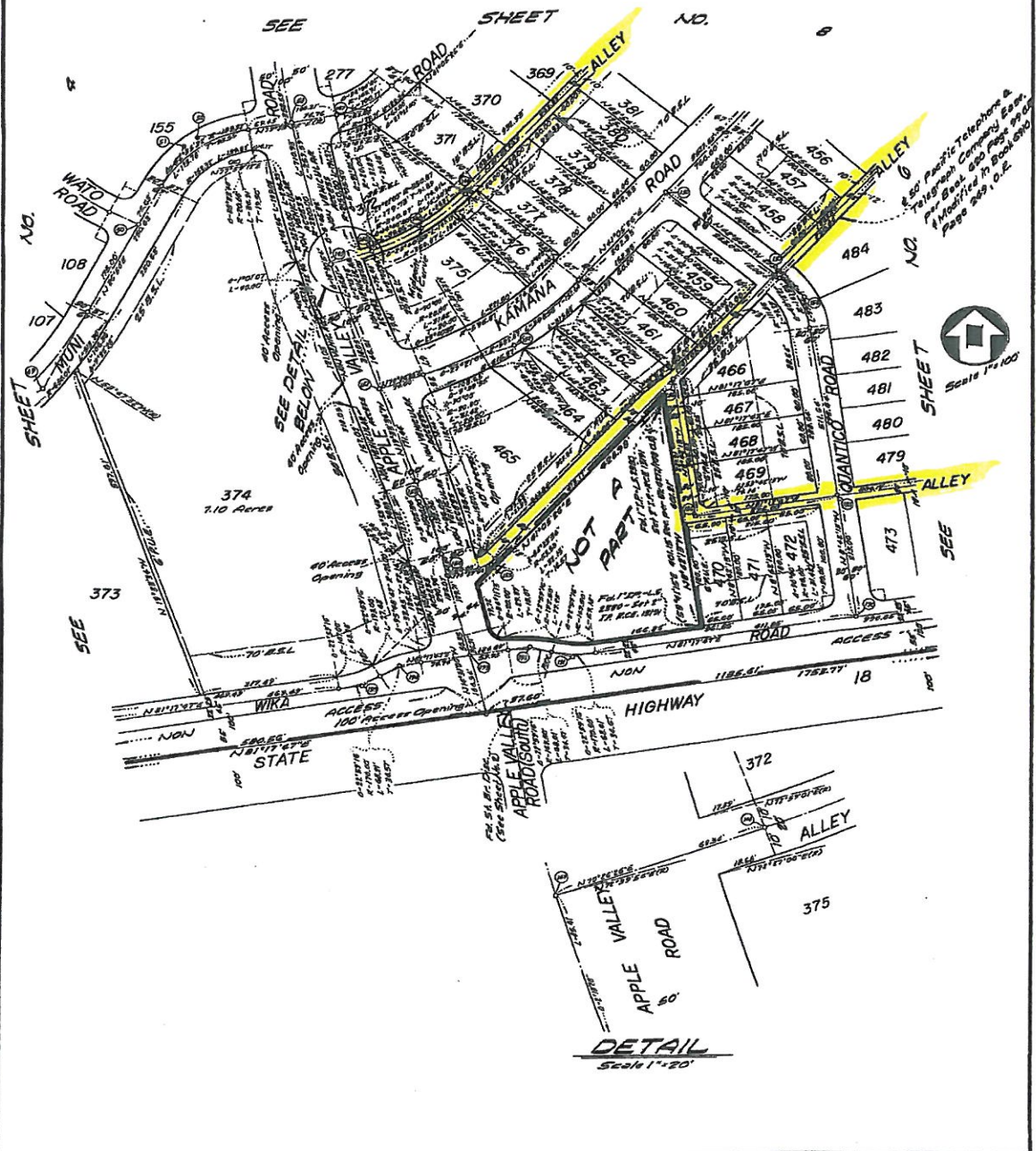
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