



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council

Date: August 27, 2013

From: Brad Miller, Town Engineer  
Engineering Department

Item No: 11

Subject: DISCUSSION ON PRIVATE ALLEYS

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

Budgeted Item:  Yes  No  N/A

### RECOMMENDED ACTION:

That the Town Council:

- A. Receive and file report.
- B. Provide direction to staff.

### SUMMARY:

In response to Councilmember Cusack's inquiry, staff has evaluated the existing improved and un-improved alleys that serve properties at various locations throughout Town. There are fully improved alleys along Kamana Road, Muni Road, Apple Valley Road, and other roadway segments that were created as part of Tract Map No. 7802, in 1968, and there are numerous un-improved alleys along Outer Highway 18 between Apple Valley Road and Wintun Road that were created prior to 1968. Most alley right-of-ways in Apple Valley were created during County of San Bernardino jurisdiction, and were accepted by the County subject to improvements being constructed. The County accepted un-improved alley right-of-way without any obligation by the County to improve or maintain the alley. These un-improved alleys exist today as unimproved private roads, and like most other un-improved dirt roads inside Town jurisdiction, they are not maintained by the Town.

Like any un-improved private dirt road, the adjacent property owners are responsible for maintaining the alley in passable condition. There are options and procedures available for property owners on private dirt roads to take the initiative to have their adjacent dirt

roadway improved and accepted into the Town Maintained Roadway Network. A neighborhood may collectively contract with a private firm to engineer/design and improve an un-improved private road to current Town standards. After improvements on a private dirt road are complete, the roadway can be offered to the Town for inclusion into the maintained road system. There are funding mechanisms created for the purpose of constructing new public improvements, (post property development), through the formation of a 1911 Act Assessment District. The 1911 Act Assessment District mechanism is defined in the California Streets and Highways Code, and provides a way for public improvements to be constructed in a post-development circumstance when a majority of the benefitting adjacent property owners support the installation of improvements, and are willing to voluntarily pay their fair share. The process is initiated by the property owners by submittal of a petition to demonstrate that a majority of the property owners adjacent to the subject roadway segment support the formation of a special benefit assessment district.

In the case of the fully improved alleys within Tract No. 7802, the situation is quite different. As indicated at the June 25, 2013 Council meeting, Tract Map No. 7802 created the public roadways and the adjacent alleys in this area under San Bernardino County jurisdiction in 1968. The subdivision proposed to offer eight segments of 20 foot wide alleys to the County as public right-of-way, however, the County of San Bernardino rejected the alley right-of-way dedications, and did not include them in the County network of maintained public roadways. To recap the reason for this rejection, they were declined primarily due to the portfolio of funding sources that San Bernardino County used for roadway maintenance. Simply stated, the County did not have available funding in 1968 to maintain alleys and thus declined to accept them.

In this case the developer fully improved the 8 alleys intending their inclusion in the publicly maintained roadway network, but the County declined to accept them due to funding limitations at that time. However, with the passage of Measure I in San Bernardino County, a locally generated funding source has been created that fills the funding gap that prevented the alleys in Tract No.7802 from being accepted by the County in 1968. The alleys in question would today be eligible for roadway maintenance funding under Measure I if they were accepted into the Town's Maintained Roadway Network. The Town Council has the option of accepting the fully improved alley right-of-ways within Tract Map No. 7802, albeit now over 40 years old and in need of repair, into our Town maintained Roadway Network if so desired. The alleys were engineered and fully improved to County Standard at the time the Tract Map was recorded.

Should the Town Council decide to accept the improved alleys within Tract Map No. 7802 into the Town's Maintained Roadway Network, the Engineering Department would begin a multi-year, phased program of repair and rehabilitation for the aging alley pavement. The repair program would probably be completed over a two to three year period. Most of the alley segments will require some isolated concrete swale and driveway repairs, crack filling, and area repairs, and would then receive a heavy Micro-surface application to restore and seal the original asphalt paving.

**FISCAL IMPACT:**

None at this time

**ATTACHMENT:**

Tract Map 7802 showing typical alleys near Apple Valley Road and State Route 18.

