



Staff Report

TO: City Council
FROM: Elizabeth Gibbs, Community Services Director
DATE: November 3, 2020
SUBJECT: **Adoption of a Resolution Authorizing the City Manager to Accept the Offer of Dedication Related to Solera Assignment of Easement and Record a Certificate of Acceptance of an Interest in Real Property with the County of Riverside Recorder**

Background and Analysis:

On November 22, 2005, Solera Oak Valley Greens Association (Solera) recorded a Grant of Slope Maintenance Easement with the Riverside County Recorder for the purpose of granting Solera the legal right of access to the easement area for maintaining landscaping, irrigation, water supply, maintenance of the exterior surface and integrity of the perimeter wall that separates the easement area from the balance of each lot's rear yard area (Attachment A).

Solera has agreed to assign an interest in the easement, including certain maintenance obligations under the easement to the City, who in turn desires to assume such obligations subject to the following terms and conditions (Attachment B):

1. City of Beaumont Terms and Conditions for Acceptance: City of Beaumont hereby agrees to assume the obligations of Solera subject to the following:
 - a. Existing plant materials are to be maintained at the sole discretion of the CITY,
 - b. New or replacement plant materials will be selected and installed at the sole discretion of the CITY,
 - c. Plants, landscape materials, hardscape materials, structures or any other items installed or placed by any party within the easement other than the CITY are subject to removal at the sole discretion of the CITY without compensation to any other party,
 - d. CITY's responsibilities are restricted solely to the maintenance of plant materials, maintenance and operation of the irrigation system, and

maintenance of the existing slope. CITY assumes no responsibility for the maintenance of any structures within the easement, and

- e. Solera retains its rights and responsibilities regarding maintenance of the exterior surface and structural integrity of the perimeter wall that separates the easement area from the balance of each lot's rear yard area as defined in the easement.

2. Indemnification: Each party will indemnify the other with respect to the performance of their ongoing responsibilities.

Attached is a resolution authorizing the City Manager to accept the offer of dedication related to Solera assignment of easement (Attachment C).

Fiscal Impact:

Approximately \$5,000 will be expended annually in the maintenance of this easement. Funding to maintain this easement will be absorbed in the current budget. Under Government Code Sections 6103 and 27383, the City of Beaumont is exempt from paying recordation fees to record the certificate of acceptance.

Recommended Action:

Waive the full reading and adopt by title only, "A Resolution Authorizing the City Manager to Accept the Offer of Dedication Related to Solera Assignment of Easement and Record a Certificate of Acceptance of an Interest in Real Property with the County of Riverside Recorder."

Attachments:

- A. Recorded Grant of Slope Maintenance Easement DOC 2005-0969219 by Pulte Homes to Solera Oak Valley Greens Association
- B. Assignment of Easement by Solera Oak Valley Greens Association to City of Beaumont
- C. Resolution of the City of Beaumont Accepting Assignment of Easement from Solera Oak Valley Greens Association
- D. Map