

**TEMECULA COMMUNITY SERVICES DISTRICT
CITY OF TEMECULA
AGENDA REPORT**

TO: General Manager/Board of Directors

FROM: Patrick Thomas, Director of Public Works/City Engineer

DATE: May 26, 2020

SUBJECT: Terminate Easement for Maintenance of Landscaping on Property Within Tract 21764 and Service Level C, Zone 7

PREPARED BY: Patrick Thomas, Director of Public Works/City Engineer

RECOMMENDATION: That the Board of Directors adopt a resolution entitled:

RESOLUTION NO. CSD 2020-

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
TEMECULA COMMUNITY SERVICES DISTRICT OF THE
CITY OF TEMECULA TERMINATING THE EASEMENT FOR
MAINTENANCE OF LANDSCAPING ON PROPERTY WITHIN
TRACT 21764 AND TEMECULA COMMUNITY SERVICES
DISTRICT, SERVICE LEVEL “C”, ZONE 7

BACKGROUND: Temecula Community Services District, Service Level “C”, Zone 7, consists of a total of 188 parcels located in the Ridgeview and Meadowview Home Owner’s Associations. Sixteen of the parcels in the westerly portion of Zone 7 were developed as Tract 21764, recorded in December 1988. At the time of development, an easement was granted to the Temecula Community Services District for “perpetual drainage and flowage easements and right-of-way for maintaining, operating, altering, repairing and replacing equipment and landscaping within the easement area.

As part of Service Level “C”, Zone 7; the City has provided landscape maintenance services for the drainage channel benefitting the 16 parcels located in Tract 21764 since 1990. The cost of providing these services is exceeding the amount of revenue collected from the 16 parcels located within Tract 21764. In 2019, staff held several public meetings and conducted a mail ballot procedure to increase the assessment for Zone 7 to an amount necessary to cover the cost for providing these services. The majority of property owners voted in opposition to the proposed assessment amount.

The Easement Deed granted to the City of Temecula Community Services District for maintenance of landscaping on property located in Tract 21764 includes the following language:

“If Grantee (City of Temecula Community Services District) or its governmental entity, successors, or assigns, determines it is unable, incapable, or unwilling to maintain said Easement Area, maintenance shall, after notice, become the responsibility of Grantor (developer of Tract 21764), with all covenants and agreements of this easement extending to and becoming obligations of all heirs, executors, administrators, successors, and assigns of the Grantor.”

Since the City is unable to continue providing maintenance services for the 16 parcels located in Tract 21764 under the current Service Level “C”, Zone 7 assessment amount, it is recommended to terminate the easement granted by the developer of Tract 21764.

Environmental Determination

Approval of the Resolution Terminating the Easement for maintenance of landscaping on property within Tract 21764 from Temecula Community Services District, Service Level “C”, Zone 7 is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15061(b)(3).

FISCAL IMPACT: There is no direct fiscal impact to the City since the current assessment amount is used to provide landscape maintenance services for the 16 parcels located in Tract 21764.

ATTACHMENT:

1. Resolution
2. Easement Deed
3. Zone 7 Map