

Los Altos

Diamond Court



March 27, 2018

Diamond Court - Site History

- Constructed prior to City incorporation
- Listed as a private street since incorporation
- No records have been able to be found delineating an offer of dedication as public right of way
- Public utilities (storm drain, sewer, power, gas, telecom) are located within Diamond Court and the street is used for garbage collection
- Title research confirms the underlying land is still owned by Robert H. Diamond, the original land.
- Homeowners along Diamond Court do not currently have legal rights to perform work in Diamond Court. No HOA or managing party was ever established to care for the street. (Some, not all, have access easement rights only).
- Engineering staff estimate reconstruction efforts to cost ~\$200,000
- At October 10, 2017 Council meeting two follow up questions were asked:
 - How was Diamond Court created? Can 'fault' be placed?
 - Can staff provide more thorough description of process, timeline, and cost for legal mechanisms for acceptance as right of way



Diamond Court – Creation

- Diamond Court was created via a Record of Survey in 1949 establishing the limits of Diamond Court
 - This action did not offer the land for dedication as public right of way and land was never accepted by a public agency as public right of way
- Subsequent parcels were created along Diamond Court with access easements granted for lots 48, 49, 50, 51, and 52
- In 1977 a parcel map was recorded created lot 71 accessing Diamond Court without any easements granted
- It is the opinion of our City Land Surveyor and Old Republic Title company that Diamond Court is still owned by Robert H. Diamond



Diamond Court – Creation

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1" = 100'



Diamond Court – Legal Options

- **Eminent Domain** - The City would need to adopt a resolution of necessity after which state laws would be followed including appraising and fairly compensating any heirs.

- **Quiet Title Action w/ Implied Dedication** – There has never been a formal dedication of Diamond Court to the public or any acceptance of a dedication by the City. Nonetheless, there is caselaw that can be followed that there has likely been an implied dedication of Diamond Court.
 - The City could seek declaratory relief in conjunction with the owners, stating its intent to accept maintenance obligations for the road. The owners would be named as Plaintiffs in the quiet title and declaratory relief action for Diamond Court.
 - It is expected that a quiet title action with implied dedication would take approximately six (6) months to complete at a cost of \$15k-\$20k pending due diligence required by the court.



Diamond Court - Photos



Diamond Court - Photos



Discussion Items

- Homeowners along Diamond Court are seeking assistance on the reconstruction and ultimate maintenance of Diamond Court.
- Homeowners have pledged to fund 50% of the improvements (estimated to be \$100,000) if the City will claim the street as public right of way.
- Alternatives
 1. Enter into an agreement with the homeowners to reconstruct Diamond Ct. and take on maintenance as a City street
 2. Require full repair prior to acceptance as as a City street
 3. Do not consider acceptance as a City street.



Summary

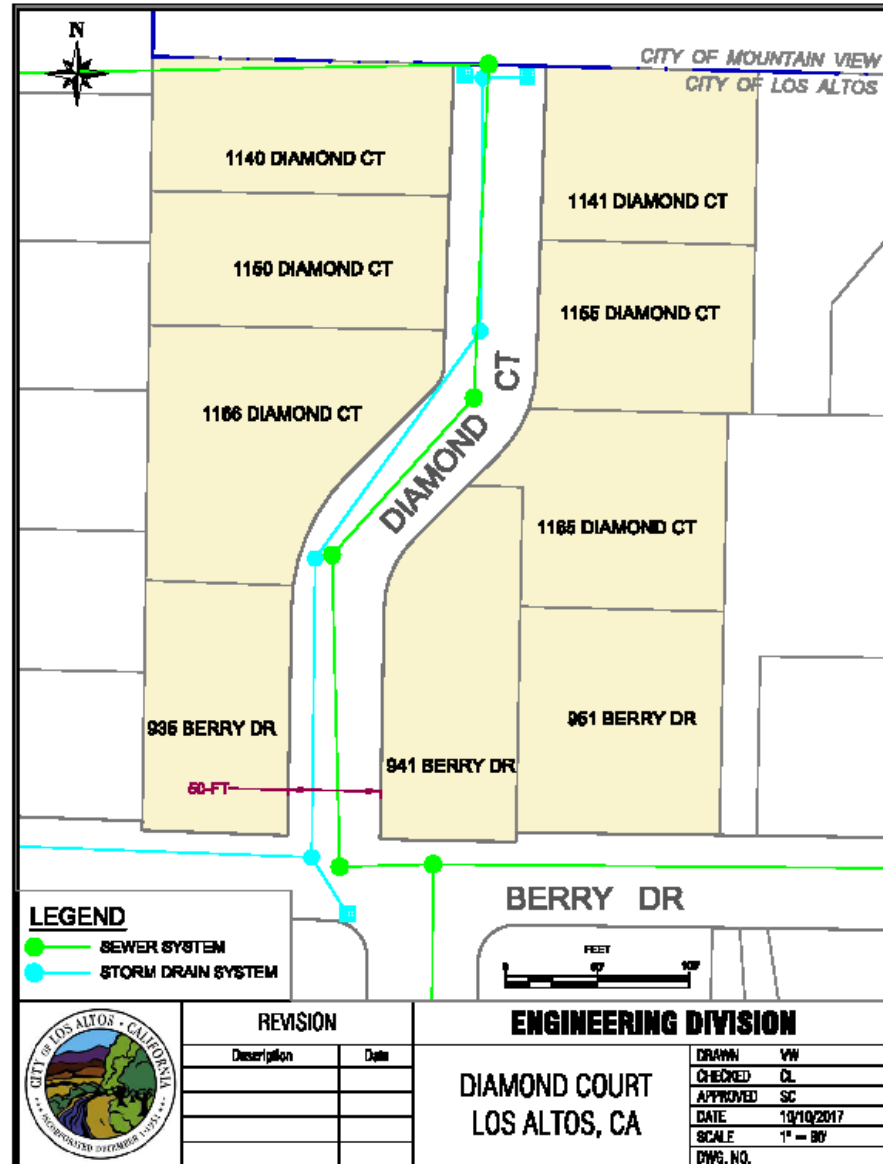


Policy Questions

- Should the City consider accepting a private street as public right of way
- Should the City consider partnering with homeowners for the repair of the street



Diamond Court - Map



Engineer's Estimate

	Item Description	Unit	Quantity	Unit Price	Total cost
1	Mobilization	LS	1	\$10,000	\$10,000
2	Grind off 3" AC	SF	8640	\$5.10	\$44,064
3	Remove 6" of dirt	CY	250	\$100	\$25,000
4	6" Class II AB backfill	CY	250	\$120	\$30,000
5	Hot mixed asphalt, 3" AC	Ton	220	\$320	\$70,400
6	Install SD Inlet	EA	2	\$3,000	\$6,000
7	Install 12" RCP	LF	20	\$100	\$2,000
8	Adjust MH to grade	EA	6	\$500	\$3,000
9	Temp. inlet protection	EA	2	\$250	\$500
10	Traffic control	LS	1	\$6,000	\$6,000
	Total Cost				\$196,960

- The conceptual design of the street is based on 480' in length with 18' wide of AC travel lane and 3' AC swale at each side of the street. Cost data based on Caltrans construction data, increased for reduced quantities.
- MTC (Metropolitan Transportation Commission) estimates of \$117/SY for street reconstruction were used for verification. At 1,280 SY of pavement work, the resulting cost is approximately \$150k. With drainage work and contingency, \$200k is verified as an acceptable cost estimate.

