



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Robert Fisher, Acting City Manager

PREPARED BY: Nate Smith, Deputy Director of Public Works/City Engineer
Art Vela, Director of Public Works

MEETING DATE: July 8, 2025

SUBJECT: Consideration of Accepting Easements from North Pointe Development for Right of Way, Maintenance and Access, and Temporary Construction necessary for the Sun Lakes Boulevard Extension Project

RECOMMENDATION:

Accept Easements from North Pointe Development for Right of Way, Maintenance and Access, and Temporary Construction necessary for the Sun Lakes Boulevard Extension Project

BACKGROUND:

The proposed Sun Lakes Boulevard Extension Project ("SLB Extension Project") is identified on the Council approved Capital Improvement Program and, once constructed, would complete a gap in the roadway and circulation network along Sun Lakes Boulevard between Highland Home Road and Sunset Avenue. This unfinished portion of Sun Lakes Boulevard has been identified on the City's circulation element dating back to at least 1994. The SLB Extension Project has been a vision for the City since the construction of the Sun Lakes Country Club starting in the mid 1980's to provide an important secondary access point from the Sun Lakes Country Club community to Sunset Avenue, relieving pressure of Highland Springs Avenue. Initial steps were taken with a Right of Way dedication to the City of Banning on Parcel Map 25541 in February of 1990. In 2020, the City Council revived efforts to complete the SLB Extension Project with the following actions:

- Resolution 2020-21 (adopted on 2/11/20): Accepting the lots dedicated to the City on Parcel Map 25541
- Resolution 2020-48 (adopted on 4/14/20): Awarding a Professional Services Agreement for the design of the SLB Extension Project to Albert A Webb Associates
- Resolution 2020-97 (adopted on 7/14/20): Approving A TUMF Reimbursement Agreement with the Western Riverside Council Of Governments for \$1,000,000 in TUMF funds City expenditures related to the SLB Extension Project. This agreement has been revised to increase the reimbursement total from \$1,000,000 to \$12,000,000, and will be adjusted again to \$20,000,000 to reflect recent approved funding from WRCOG.

The City Council's adoption of the resolutions listed above in 2020 started the City's efforts to design the proposed SLB Extension Project and, once designed, prepare the environmental review documents for the SLB Extension Project based on the project scope identified in the design documents. In the time since the initiation of the design contract in 2020, City staff and the City's consultant, Albert A. Webb Associated, have engaged continuously to get the SLB Extension Project to an environmentally cleared and shovel ready condition. A redesign effort was necessitated when comments were received from (1) the U.S. Fish and Wildlife Service ("USFWS"), (2) the California Department of Fish and Wildlife

("CDFW"), and (3) utility holders within the existing utility corridor. These comments required the City to revise the initial project design and negotiate with the stakeholders mentioned above on an acceptable design solution. Once those efforts were completed, City staff and the City's Consultant revised the necessary studies, reports, and plans.

The Right of Way offer that is included with this package is consistent with the agreed upon revised alignment described above. The other easements for Maintenance and Access, and Temporary Construction were prepared with the revised right of way as well. The easements offered are necessary for the construction and operation of the roadway, and are described in more detail below.

- **Right of Way Dedication - Road and Utility Purposes:** This easement is required for the ultimate roadway alignment, and would be held permanently by the City of Banning. The legal and plat were prepared by the City's design consultant for the SLB Extension Project and peer reviewed by the City's plan check consultant for technical accuracy.
- **Easement - Public Maintenance and Access Purposes:** This easement is required for the City to maintain cut slope and embankments, as well as drainage devices installed to protect those slopes and convey storm water to the culvert crossings. The legal and plat were prepared by the City's design consultant for the SLB Extension Project and peer reviewed by the City's plan check consultant for technical accuracy. There were two (2) clauses added to the grant deed at the request of the Grantor;
 1. A clause that states that if the SLB Extension Project is not initiated by the City by June 1, 2027, that the easement shall terminate and the City would forfeit the easement rights. City staff reviewed the request internally and with the City's legal counsel, and agreed to the addition of the clause. Delay to initiate the project to June 1, 2027 would also forfeit the RCTC grant, making construction impractical in this particular case.
 2. A clause that states that if and when development occurs adjacent to the road right of way that would alter the cut slopes, embankments, or drainage devices are substantially completed, and that would render the City's need to maintain as moot, that the City shall quitclaim this easement back to the underlying land owner. City staff reviewed the request internally and with the City's legal counsel, and agreed to the clause. It is typical that private development is responsible for the maintenance of their private property, and this action is consistent with that practice utilized throughout the City, and would ultimately reduce the City's maintenance liability.
- **Temporary Construction Easement:** This easement is required during the construction phase of the project to allow for contractors to access Grantor's private property to construct necessary cuts, fills, drainage, and roadway improvements. The legal and plat were prepared by the City's design consultant for the SLB Extension Project and peer reviewed by the City's plan check consultant for technical accuracy. The Grantor has agreed to provide the easement for a term of 24 months, with one (1) 12-month extension, if necessary. The Grantor has also agreed to provide the easement at no cost to the City of Banning. It is typical that and the end of the construction project, that the Temporary Construction Easement would terminate, as it is no longer necessary for the City to hold onto.

JUSTIFICATION:

It is necessary to obtain the easements for the construction, operation, and maintenance of the SLB Extension Project. The three (3) easements are being provided to the City at no cost.

FISCAL IMPACT:

There is no direct cost to the City of Banning to obtain the easements offered with this action.

ALTERNATIVES:

Do not accept the easements and provide alternate direction to staff.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. [Att. 1 - SLB ROW CofA, Grant Deed, Legal, Plat.pdf](#)
2. [Att. 2 - SLB Maint Easement CofA, Grant Deed, Legal, Plat.pdf](#)
3. [Att. 3 - SLB TCE CofA, Grant Deed, Legal, Plat.pdf](#)