



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: May 13, 2025

SUBJECT: Consideration of Resolution 2025-57, Accepting Various Right of Way Dedications, Easements, and Quitclaims of Existing City Easements Related to the Improvement of Wilson Street at Smith Creek, Within the Atwell Specific Plan

RECOMMENDATION:

Adopt Resolution 2025-57

BACKGROUND:

Wilson Street is adopted as a Major or Arterial Highway in the Circulation Element within the General Plan between Highland Springs Avenue and Highland Home Road. The Atwell project, as part of the Butterfield Specific Plan and Tentative Map 37389 has property frontage along this segment of Wilson Street. A Condition of Approval (COA) for Tentative Map 37388 includes COA #77 that requires that Wilson Street be widened to the ultimate cross section of 4-lanes with a median along the map boundary connecting to existing improvements to the east as shown on the Tentative Map exhibits. This improvement includes widening the roadway over the existing Smith Creek culvert crossing.

For the particular widening over Smith Creek, it was necessary for Tri-Pointe Homes (TPH) to acquire and confer easements from property owners both north and south of Wilson Street in order to construct the improvements to the ultimate cross section in the Circulation Element and Specific Plan. TPH entered into negotiations with the private property owners in order to acquire the necessary rights of way and easements. These owners are the Peacock Valley Homeowners Association (PV HOA) for property south of Wilson Street, and The Southern California District Council of the Assemblies of God and Living World Assembly of Chino (collectively, Church) for properties north of Wilson Street. A total of 7 actions are necessary based on the requirements in the COA's as a result of the negotiations. Each of these items are described below.

Action 1: Accept Easement for Public Street and Utility Easement Purposes (Right of Way) from PV HOA

This action would grant to the City 0.005 Acres for Public Street and Utility Purposes south of the existing dedication for Wilson Street from the PV HOA. This easement is necessary for the construction of the eastbound roadway and parkway improvements as shown on the Circulation Element in the General Plan.

Action 2: Accept Easement for Public Drainage, Storm Drain, and Maintenance Purposes from PV HOA

This action is related to the roadway widening of Wilson Street. It is necessary for TPH to extend the

existing drainage culvert at Smith Creek and under Wilson Street to ensure the continued conveyance of storm water flows. With the extension of the culvert, the technical studies identified appurtenant improvements to the existing channel south of Wilson Street to protect against erosion. As such, this easement will confer to the City of Banning 0.55 acres over land that will continue to be owned by the Peacock Valley Homeowners Association. The City of Banning will be responsible for the continued maintenance of the channel improvements, that is contiguous to portions of the existing channel that are currently owned and maintained by the City of Banning. This is beneficial as it allows for the City of Banning to maintain the channel in full to ensure that proper maintenance is provided.

Action 3: Accept Easement for Public Street and Utility Easement Purposes (Right of Way) from the Church

This action would grant to the City of Banning 0.048 Acres of land for Public Street and Utility Purposes north of the existing dedication for Wilson Street from the Church. This easement is necessary for the construction of the westbound roadway and parkway improvements as shown on the Circulation Element in the General Plan.

As part of the negotiation with the Church, additional actions are necessary. TPH and the Church agreed to the following items.

- Various improvements to church property, including grading of sloped areas to create more usable space.
- Completion of a Lot Line Adjustment to move open space land from TPH to the Church, and to simultaneously transfer Church property in the Smith Creek drainage course to TPH. This action has been partially completed with the recordation of the Lot Line Adjustment, but Council action on Items 5 and 6 are necessary to complete this. The deed will not be perfected until items 5 and 6 are acted upon by City Council.

Action 4: Accept Storm Drain Easement from Church

This action is related to the roadway widening of Wilson Street. It is necessary for TPH to extend the existing drainage culvert at Smith Creek and under Wilson Street to ensure the continued conveyance of storm water flows. The culvert is extended north from the existing endpoint to align with the Smith Creek Channel being constructed by the Atwell project through the Church property to meet the open channel. As such, this easement will confer to the City of Banning 0.067 acres over land that will continue to be owned by the Church. The City of Banning will be responsible for the continued maintenance of the culvert.

Action 5: Quitclaim A Portion of Public Storm Drain, Drainage, and Maintenance Easement to the Church

This action would quitclaim a portion of a non-exclusive blanket easement for Public Storm Drain, Drainage, and Maintenance Purposes that was recorded with Final Map 37389-6 Lot H, that was subsequently adjusted with the Lot Line Adjustment between Tri-Pointe Homes and the Church per an agreement between the parties. To complete the perfection of the deed with the Church, the Church has requested that the blanket easement be quitclaimed for the portions that are now within their ownership. The portion of non-exclusive easement to be quitclaimed provides no benefit to the City of Banning across the Church property, and would not cause any harm to the City to quitclaim the portion of the non-exclusive easement.

Action 6: Quitclaim A Portion of Sidewalk and/or Trail Easement to the Church

This action would quitclaim a portion of a non-exclusive blanket easement for Sidewalk and/or Trail Purposes that was recorded with Final Map 37389-6 Lot H, that was subsequently adjusted with the Lot Line Adjustment between Tri-Pointe Homes and the Church per an agreement between the parties. To complete the perfection of the deed with the Church, the Church has requested that the blanket

easement be quitclaimed for the portions that are now within their ownership. The portion of non-exclusive easement to be quitclaimed provides no benefit to the City of Banning across the church property, and would not cause any harm to the City of Banning to quitclaim the portion of the non-exclusive easement.

Action 7: Accept Easement for Public Drainage, Storm Drain, and Maintenance Purposes from TPH

This action would accept a easement for Public Drainage, Storm Drain, and Maintenance Purposes from TPH Homes for the portion of Smith Creek north of Wilson Street. The portion of Smith Creek that is an open channel would be maintained by the Atwell Homeowners Association. The portion of Smith Creek in the culvert and appurtenant structures would be maintained by the City of Banning, as it is standard practice for the City to maintain drainage structures. As such, this easement would convey 0.048 acres to the City for maintenance rights.

JUSTIFICATION:

City Council action on all of the 6 items considered with this resolution are necessary in order for Tri-Pointe Homes to comply with COA's for TM 39389, and for the construction of Wilson Street to the ultimate cross section within the Circulation Element of the City's General Plan.

FISCAL IMPACT:

None

ALTERNATIVES:

Do not approve Resolution 2025-57. If the necessary easements and rights of way are not conferred to the City of Banning, it will not be possible to construct Wilson Street to the ultimate 4-lane roadway section across Smith Creek, and the roadway will remain at 2-lanes.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. [Resolution 2025-57, Accept Atwell Easements Deeds.docx](#)
2. [Resolution 2025-57 Exhibit A - PV HOA ST-UTL ESMT.pdf](#)
3. [Resolution 2025-57 Exhibit B - PV HOA SD ESMT.pdf](#)
4. [Resolution 2025-57 Exhibit C - Church ST-UTL ESMT.pdf](#)
5. [Resolution 2025-57 Exhibit D - Church SD ESMT.pdf](#)
6. [Resolution 2025-57 Exhibit E - QC SD ESMT to Church.pdf](#)
7. [Resolution 2025-57 Exhibit F - QC TRAIL ESMT to Church.pdf](#)
8. [Resolution 2025-57 Exhibit G - TPH SD ESMT.pdf](#)
9. [Att 1 - Wilson Street and Smith Creek Area Exhibit.pdf](#)