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By email

City Council
City of Oakley
3231 Main Street
Oakley, CA 94561

Reference: "The Village" Project-Drainage Adequacy
March 12 City Council Agenda Item 5.1

Dear Members of the City Council:

I represent the owner of Eagle City Inc., owner of the mobilehome park that adjoins the project.

1. The proposed Resolution re final Development Plans (attachment number 12 in your packet) contains a matter that should be edited. Condition No. 71 reads as follows:

"The Developer must coordinate with the adjacent property owner west of the project to underground the existing utilities along Oakley Road as required by the Deferred Improvement Agreement to the satisfaction of the City Engineer."

There is no valid Deferred Improvement Agreement, consequently, appropriate wording would be one of the following.

"The Developer must coordinate with the adjacent property owner west of the project to underground the existing utilities along Oakley Road."

or:

"The Developer must coordinate with the adjacent property owner west of the project to underground the existing utilities along Oakley Road, but is responsible for any utility undergrounding along Oakley Road not performed by the adjacent property owner."

2. As proposed, all drainage elements within the project are supposed to be maintained by the Homeowners Association. This is a recipe for disaster. Sooner or later there will be an uninformed or parsimonious homeowners board that will fail to adequately maintain the drainage elements. Also, there is no explicit right for the city to inspect. Best would be for the City to face up to its maintenance responsibilities. Next best would be an enforceable, recorded, document that would allow city staff to inspect as needed, and if the HOA fails to adequately maintain, to allow the city to perform the maintenance and charge the homeowners association

Respectfully yours,

Richard Manning