

City of Hesperia

STAFF REPORT



DATE: August 20, 2019
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Michael Blay, Assistant City Manager

SUBJECT: License and Maintenance Agreement between the City of Hesperia and Hesperia Apartments, LLC

RECOMMENDED ACTION

It is recommended that the City Council approve a license and maintenance agreement between the City of Hesperia and Hesperia Apartments, LLC.

BACKGROUND

The Hesperia Apartments are to be located in the 13000 block of Live Oak Street, just east of Mariposa Road. With 160 total units, the project is being built in several phases. Construction of the first phase began in July 2019. The Right-of-Way landscaping area designated in this agreement is relatively small and will be contiguous to the planned complex landscaping. As such, the developer has requested to maintain the landscaping in front of the complex in a manner consistent with the property itself. The developer will continue to own the property after completion and has asked for the license and maintenance agreement in order to maintain the landscaping in the public right of way, at his own expense. Should the developer sell the property at some time in the future, the duly recorded agreement would be transferred with the property to the new owner.

ISSUES/ANALYSIS

The license and maintenance agreement requires the developer, at his own expense, to plant, maintain, and replace when necessary the landscaping in the public right of way in front of the Hesperia Apartments' Live Oak Street frontage. The agreement provides sufficient recourse for the City in the event the developer fails to maintain the landscaping in a manner satisfactory to the City. In addition, the agreement will indemnify the City from any liability associated with the developer's use and maintenance of the right of way. The non-exclusive license will continue to allow public access to the right of way.

FISCAL IMPACT

There is no fiscal impact as a result of this agreement.

ALTERNATIVE(S)

1. Provide alternate direction to staff.

ATTACHMENT(S)

1. License and Maintenance Agreement