



Date: June 9, 2017

To: West Reed Avenue Interested Parties

From: Dan Wilkins, Public Works Director/Town Engineer DPW

Subject: Town of Truckee Policy on West Reed Avenue

The following memo is intended to provide a history of the Town's involvement on issues related to West Reed Avenue, the current Town of Truckee policy related to West Reed Avenue, , and a summary of how that policy is being implemented . This policy was formalized by actions of the Truckee Town Council at the May 1, 2003, and March 3, 2005 regularly scheduled Town Council meetings.

History

At the time that the Town of Truckee Incorporated in March of 1993, the Town accepted roadway maintenance responsibilities on all roadways within the Truckee Town limits that Nevada County was maintaining prior to the Town incorporation. Nevada County provided the Town with a copy of the 1992 County maintained mileage inventory at that time, which identified which roads in Truckee were maintained by the County and which roads were not. At that time, West Reed Avenue was not on the County's maintained mileage inventory.

In 1995, the Truckee Town Council established a policy under which the Town would accept roadways into the Town maintained system. This policy was most recently updated on October 27, 2015 in conjunction with a request from the Grays Crossing HOA to accept maintenance responsibility on certain roadways in the Grays Crossing subdivision. The policy states that in order for the Town to accept roadways into the Town maintained system, that the roadway must be constructed to current standards, be in a state of good repair, and that the properties along the roadway generate adequate tax revenue to fund ongoing roadway maintenance. At this point in time, West Reed Avenue does not meet a current Town standard, nor is it in a state of good repair. Whether or not it meets the tax revenue generation requirement is unknown.

In the Spring of 2001, Town staff was approached by a group of property owners that owned property on West Reed Avenue who indicated that they would like the Town to assist them in creating an assessment district that would create a special tax on properties along West Reed Avenue that would be used to construct roadway and drainage improvements on West Reed Avenue. As a result of this and subsequent meetings, significant public input, and multiple Town Council actions over the course of the next 3-1/2 years, the Town of Truckee expended approximately \$50,000 in cash and

approximately 200 hours in staff time between September of 2001 and March of 2005 in an effort to facilitate the creation of an assessment district that would result in improvement of the West Reed Avenue roadway and drainage infrastructure. The results of the expenditure and time investment which was made was the development of a design plan to improve the roadway and drainage conditions on West Reed Avenue, the development of a cost estimate that could be used as a basis for the formation of a West Reed Avenue assessment district, and the development of a preliminary assessment spread for an assessment district.

Ultimately, support for an assessment district never materialized among the property owners along West Reed Avenue, so formation of an assessment district and construction of the improvements never occurred. The Town of Truckee currently has the design drawings which were developed, but never implemented, the cost estimates, and the preliminary assessment spread. During the public input process for the proposed assessment district, two separate factions developed within the West Reed Avenue neighborhood. One faction was a group who were generally supportive of an assessment district concept, and the second faction was a group of property owners who were generally opposed to an assessment district concept. The second group believed that any and all roadway improvements to West Reed Avenue should be the financial responsibility of Truckee's general taxpayers.

The Town Council held agendaized discussions related to West Reed Avenue on the following dates: September 6, 2001; September 20, 2001; October 18, 2001; February 20, 2003; March 20, 2003; May 1, 2003; June 17, 2004; and March 3, 2005. The current Town policy as it relates to West Reed Avenue was established at a combination of the May 1, 2003, and the March 3, 2005 meetings, which are summarized below:

MAY 1, 2003 TOWN COUNCIL MEETING AND ACTION:

At this meeting, the Truckee Town Council considered a significant amount of staff generated technical and legal information, public testimony, and other historical information related to West Reed Avenue. A copy of the staff report and meeting minutes from that meeting is attached to this memo for reference purposes. The Council's action at the meeting was as follows:

- That based on all available evidence West Reed is a private road for which the Town has no responsibility.
- That the Town maintain its offer of assistance to facilitate road repairs if a petition signed by 2/3 of the property owners requesting that assistance is received.
- That the Town continue its commitment to BMP installation along Donner Lake as a part of the Donner Pass Bike Lane and Drainage Improvement Project.

Following is a summary of actions that have occurred by Town staff since the May 1, 2003 Council meeting in response to the above direction:

Bullet Number 1: Based on all available evidence West Reed is a private road for which the Town has no responsibility.

Town staff has received multiple requests for the Town to perform roadway maintenance on West Reed Avenue over the past 14 years. In all instances, staff has declined to perform that maintenance. In early February of this year as a result of a request from the Police Department, Town Public Works Staff directed a contractor to perform emergency repair work on West Reed Avenue because the roadway had become impassable for emergency vehicles. Once the roadway was restored to a point that emergency vehicles could pass, Town staff performed no further work on the roadway.

Town Engineering staff does review and issue encroachment permits for grading and driveway construction on properties that access West Reed Avenue. This practice occurs on all public and private roadways in Truckee as a part of the Town's standard building and site inspection processes.

Staff would note that there are currently approximately 160 miles of Town maintained roadway in Truckee and approximately 40 miles of privately maintained roadway in Truckee. Town staff has received very few requests for maintenance from property owners on the 40 miles of privately maintained roadways other than West Reed Avenue, and Town staff has not performed roadway maintenance on any of the other 40 miles of privately maintained roadway in Truckee. Town staff has responded to multiple inquiries from individual [property owners over the past 14 years regarding the status of West Reed Avenue and has communicated the Town's position that this is not a Town maintained roadway to those property owners. Staff estimates that this has resulted in approximately 200 hours of staff time being expended on West Reed Avenue inquiries since 2005.

Bullet number 2: The Town maintain its offer of assistance to facilitate road repairs if a petition signed by 2/3 of the property owners requesting that assistance is received.

As is shown in the staff report, this direction refers to the Town's willingness to assist in the formation of an assessment district to generate funds for road repairs if 2/3 of the property owners who would be subject to that assessment petitioned the Town that they were supportive of the formation of an assessment district.

At this point, the Town has not received a petition signed by 2/3 of the property owners along West Reed Avenue, but since the Council did not establish a timeline, it is staff's interpretation that this offer from the Town remains valid. Staff would note that the March 3, 2005 Town Council meeting further reaffirmed this commitment and articulated additional actions that would be necessary for the Town to pursue the assessment district.

Bullet number 3: the Town continue its commitment to BMP installation along Donner Lake as a part of the Donner Pass Bike Lane and Drainage Improvement Project

As a part of the Donner Pass Bike Lane and Erosion Control Project that was completed in August of 2009, the Town installed approximately \$1.35 million in drainage and BMP improvements along Donner Pass Road directly adjacent to Donner Lake. Staff also reviewed all available information regarding drainage patterns that were established along Donner Lake Road above West Reed Avenue, and found no information to

indicate that the Town, or County before it, modified any of the drainage patterns along or downgradient of Donner Lake Road.

MARCH 3, 2005 TOWN COUNCIL MEETING AND ACTION:

At this meeting, the Truckee Town Council reviewed previously generated technical and legal information that had been generated by staff and considered additional public testimony, and other historical information related to West Reed Avenue. A copy of the staff report and meeting minutes from that meeting is attached to this memo for reference purposes. The Council's action at the meeting was as follows:

The Council confirmed Town support for the creation of a West Reed Avenue Assessment District provided that no additional general taxpayer funds are placed at risk in order to create that district ; and provided direction that remaining assessment district formation costs will need to be privately funded.

CONCLUSION

Based upon the above information which represents the most recent Town Council action and direction related to West Reed Avenue, Town staff continues to decline requests for the Town to perform maintenance on West Reed Avenue. Because the Town Council offer of assistance to facilitate the creation of an assessment district (provided that the property owners could show 2/3 support for the creation of such) did not include a date certain for the showing of this 2/3 support, it is Town staff's opinion that this offer still stands.

- The Town installed drainage and BMP improvements as a part of the Donner Pass Road Bike Lane Project 2009 at a cost of \$1.35 million. At the time that the Donner Pass Road improvements were installed, Town staff evaluated whether or not there was an opportunity to construct additional improvements between Donner Pass Road and Donner Lake Road. Due to lack of available right-of-way, and lack of an opportunity to coordinate those improvements with a larger improvement project on West Reed Avenue, those improvements were not pursued. Should there be a larger improvement project on West Reed Avenue in the future, Town staff believes that evaluating the possibility of Town participation in drainage improvements between Donner Lake Road and Donner Pass Road would be appropriate at that time.
- The Town has not modified the drainage patterns on or below Donner Lake Road. The Town does maintain the drainage along Donner lake Road. The Town has received multiple assertions over time by property owners on West Reed Avenue that the Town has modified those drainage patterns. These assertions are inaccurate, and Town staff requests for evidence from the parties making those assertions to provide evidence that supports those assertions have gone unanswered.
- The Town continues to require and issue encroachment permits for driveway construction and grading activities on properties adjacent to West Reed Avenue consistent with the Town's approach to all other properties in Truckee located on privately maintained roadways.

- The Town continues to issue encroachment permits to utility providers performing utility installations on West Reed Avenue consistent to the Town's approach with other privately maintained roadways in Truckee.