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## Rare Orinda city council split leaves Orindawoods private road maintenance intact

By Sora O'Doherty



Image provided

At the June 7 city council meeting the council split 3-2 and as a result declined to cancel its agreement with the Orindawoods development to maintain certain private streets. Mayor Dennis Fay and council members Darlene Gee and Nick Kosla were opposed to the proposed immediate termination of the city's maintenance agreement for Orindawoods. Although Vice Mayor Inga Miller and Council Member Amy Worth were in favor, it was not enough to carry the action. Since no affirmative action was taken to cancel the agreement, it was automatically renewed for an additional five years, under the terms of the agreement. Fay suggested that during that time the city explore ways to adopt these streets as public streets.

During the past decade, the city of Orinda has been under pressure from some residents who live on private roads to find a way to deal with the situation under

which private road residents pay the same taxes, including the assessments for road damage by garbage trucks, but receive no help in the maintenance of their roads. Private roads advocate Steve Cohn last November pointed out to the council that its agreement with Orindawoods means that "the city can provide maintenance for roads built on private property as they provide a public benefit."

That arrangement dates back to June of 1992, when the city of Orinda entered into an agreement with Orindawoods under which portions of the private streets in Orindawoods would be opened for public use and the city agreed to maintain those streets, namely, Village Gate Road, Ridge Gate Road and Watchwood Circle. At the same time the city agreed to accept responsibility for the maintenance of the paved surface areas of those streets, including curbs and gutters but excluding drainage, lighting, sidewalks and landscaping.

In the beginning, there was a lot of opposition to the Orindawoods development, that began in the 1970s. According to Dick Marchick, a longtime resident and former board member of the Orindawoods Homeowners Association, members of the public felt that the development, which is a mix of attached townhomes, small lot garden homes, and regular single family residences, would be alien to the predominantly single family residence milieu of Orinda. However, the Orindawoods Tennis Club, which is open to residents without charge beyond their monthly HOA fees, and to non-residents for a fee, has proved extremely popular, both with residents and non-residents. Although some of the residences have very little land, the overall development features many acres of open land.

During council discussion, Worth argued that terminating the agreement with Orindawoods would be fair to other private road residents. "We have such limited resources to even pave public roads," she said, "and it is important to be consistent." Fay pointed out that Orinda has been maintaining the roads under the agreement for 30 years. He said that he does not think that Orinda should be creating any new private roads, and offered a compromise to accept as public roads Village Road and Watchwood Road down to the point where it becomes Watchwood Court.

Kosla said he wasn't ready now to look into the issue that deeply, but suggested that by renewing the agreement now, the city would have five years to see what they can work out before the next time the agreement comes up for renewal. Gee agreed, stating that she does not support the city's current policy on private roads, which she feels is a very divisive issue in the community. "I still don't see doing this as an act that will save the city a lot of money," she added, "but it would increase divisiveness."

Miller said that the 30-year continuance of the road maintenance agreement with Orindawoods "appears to be an oversight." Worth said that she was not willing to consider taking on the roads, and found it interesting that the council had not received any feedback for the Orindawoods HOA.

Without action by the council, the agreement will renew automatically at the end of June and remain in place for the next five years.

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