

NextDoor.Com Posting by [Steve Cohn](#)

[Equal treatment for all of Orinda](#)

September 2, 1918

This is a call for citizens of Orinda to tell the City Council that every resident should be treated equally. Each Orinda household is paying \$450 a year to repay the bonds being used to repair 64 miles of residential streets. Soon we will be asked to tax ourselves an additional \$350 a year each to maintain those streets that we are paying \$75 million to repair. However, 1,500 of us live on streets the City has designated "private" (we did not ask for this; it was mandated) which receive no public road funding but we pay the same taxes as everyone else; including the \$800 a year to repair and maintain the public residential streets which we virtually never use. Tuesday night the Orinda City Manager is going to ask the City Council to pass a resolution to make sure that those 1,500 households never receive the same benefits as the rest of Orinda. This request is being made by him without any input by or discussion with the residents of Orinda. We ask you to tell the City Council to reject his request. You can contact them via the City Clerk, Sheri Smith, at ssmith@cityoforinda.org. To know more about this, and to sign a petition to the City Council, see www.OrindaRoadFacts.info.

[Cynthia Harelson](#)

, Meadowlane · 4d ago

You 1500 don't drive on public roads in Orinda? That has to be incredibly inconvenient.

[Brian Gates](#)

, Overhill Area · 4d ago

We all need to pay for our streets. The condition is embarrassing. "Everyone wants to cook the dinner but nobody wants to do the dishes". One of the finest communities on earth has crummy roads and trees growing and falling into the streets. I am all for spending the required money to repair and maintaining our infrastructure. Yes I am in the industry. I am not promoting for self interest, i just know that when you lag on maintenance the long term cost increases exponentially. Thanks

[Tom Flynn](#)

, Ardor/Valley View · 4d ago

I'm sure there were documents given to you when you bought your house which explained that it was on a private road. It's a shame you didn't read them. But yes, when you get the city to maintain your private road can you get them to come maintain my private driveway too? I mean, I pay taxes and all ...

[Steve Cohn](#)

, Ardor/Valley View · 4d ago

Cynthia and Brian, it is not that we don't drive on public roads, it is that we don't drive on the 64 miles of public residential streets that we are paying \$75 million to refurbish and then will pay \$2.5 million per year to maintain. There are also 29 miles of Arterials and Collectors which we all drive on which our Gas Tax revenue and County Measure J funds, from a sales tax we all pay,

are used to maintain. The 64 miles of public residential streets are mainly used by the people who live on them. 27 miles are cul-de-sacs which are exclusively used by the residents on those streets (and which we are all paying \$30 million to repair. The other 37 miles of public residential streets are through streets, but only half on the people on private streets use these. The other half feed directly onto an Arterial Collector. So, yes, we all use public streets, it is just that we don't use the public streets that we are all paying \$75 million to refurbish and will soon be paying \$2.5 million per year to maintain.

[Steve Cohn](#)

, Ardor/Valley View · 4d ago

Tom: In my case there actually were no documents but I was aware that my street was private; whatever that meant. But I chose to live in Orinda not aware that I was becoming part of a minority. For all I knew, all the streets were private. Over time I saw that I was actually in the "good" minority; the one that took care of its own street while the City spent no money on its 64 miles of residential streets until they were rated second worst in the five-county Bay Area. Then we started voting in new taxes to repair them. First a half cent sales tax which brings in \$1 million per year and costs each of us \$150 a year. Then a \$20 million bond followed by a \$25 million bond which will ultimately cost us \$66 million, almost \$10,000 per household spread over 20 years. This is for roads just like mine. I pay to fix my neighbor's road, but he does not pay to fix mine. So I didn't read the fine print like every other minority "didn't read the fine print"? That makes it right? My bad.

[Charles Porges](#)

, North Orinda · 4d ago

My private road has stood the test of time for 100 years and has required minimal maintenance. It is in better condition than most publicly maintained public residential roads but the city is demanding that we create a Caltrans worthy road in order for the city to even consider making it public. It is used extensively by pedestrians for access to the park and library. The HOA it once belonged to was dissolved in a lawsuit in the 1980's. We have paid for the maintenance of all other public residential streets forever, including the lower half of our street which is "public". This seems irrational and grossly unfair.

[Cheryl Nevares](#)

, North Orinda · 3d ago

Thank you for the well-researched information and I can see why a homeowner who lives on a private street would be frustrated at being asked to pay for maintenance of other residential streets. That being said, we all are often asked to pay for the greater good in the way of taxation. We always vote for the local education bonds, our children having long since graduated. Ditto regional parks. We also pay a higher fee for our EBMUD water by virtue of living at a higher elevation pumping band. Our Republic Services charges us a higher fee because we live in an area of smaller windy roads, their justification for purchasing smaller, nimble trucks. We waited over 25 years to see our residential street repaved and it was in poor shape--the only maintenance the city was able to do was to patch a recurring pothole. We were pleased have our street repaved last year but despite our being asked to pay a maintenance fee going forward, we do not expect to ever see any further work on our street unless it's a safety matter. Unless the pavement management program has designated maintenance tasks assigned to individual streets, we expect

the maintenance money will go to the highly traveled arterials that we all travel on. It's a matter of priority. I suspect a public entity might, by law, be prohibited from expending public funds on privately owned property, it considered a "gift of public funds".

[Anne Lagache](#)

, Del Rey · 3d ago

Private road means that I Am Not allowed on Your Street. You can whiz any way you want on mine. I can't kick you out because mine is not Private! Don't claim that I had an additional privileges of having my road repaired at Your expense. This Last year was the First time our street was every Re-done: in 65 years — as one long term resident stated. Don't get me wrong. I'm all for helping you negotiate a great deal with Bay Cities but you should pay for most of the work unless you revoke your privilege of privacy. Allowing us to walk, ride and drive your streets. You have to give up something for us to give up something, too. Anne

[Steve Cohn](#)

, Ardor/Valley View · 3d ago

Cheryl: Thank you for your response. First, an explanation of where the money comes from and goes to in Orinda with respect to roads. The City created a policy in 2011, when it only had about \$1 million in State Gas Tax and County Sales Tax revenue, to dedicate all of those funds to Orinda's most heavily travelled roads; the Arterials and Collectors. There were very scarce resources and they had to get the most bang for the buck. I actually pushed them in that direction (I have a degree in transportation engineering and could see that money was not being used in an "optimal" manner). That policy is still in effect and that is how those funds are still used. We then voted in three new taxes, a half-cent sales tax and two bonds adding up to \$45 million (which will cost \$66 million to repay), and those were to dedicated to the 64 miles of residential streets which had been neglected up to that point. The CIOC audits the spending to make sure that the "special" funds go to where they are supposed to. The CIOC has advised the Council that the City will soon need \$2.5 million per year, in perpetuity (so not a Bond; some other form of tax), to then maintain the residential streets. This, again, would be dedicated to the residential streets and would not be drained away for other purposes and the CIOC would be tasked with auditing it. Regarding your observation that we all pay taxes for things we don't benefit from or, like schools, we no longer benefit from. Most of the examples you gave, let's take schools, we may not benefit from (now) but this is not because the government tells us we are not allowed to benefit. What if 20% of the kids in Orinda, because they lived on certain streets, were not allowed to go to Orinda's public schools? That is the case with "private" street maintenance. It is not that we no longer need street maintenance or that we choose to maintain our streets (I sent my kids to private school but did not gripe that 50% of my property taxes went to the school system), we are told that we don't qualify even though there are just as many publicly maintained cul-de-sacs (27 miles of them) as there are privately maintained ones. Another example is emergency services. We all pay about \$2,000 year to MOFD. I have never called them in 35 years but I willingly pay (not that I have a choice.) As for paying a higher EBMUD bill because you, like I, live on a hill. It actually costs EBMUD money to pump the water up the hill so you and I are merely paying for extra services received. It's not like we are paying EBMUD and then having to get our water from a private contractor or drill a well. The designation of which streets are public and which are private is, for the most part, an arbitrary decision by the government (up to 1985 the County and then the City) of whom they were

willing to serve and whom they were not. There are examples of streets, right in the middle of a block with no indication of where “the line” is, of a street going from public to “private”. There is no reason we cannot all get the same benefit. Sure it will cost a little more, but that’s the cost of equality.

[Steve Cohn](#)

, Ardor/Valley View · 3d ago

Anne: The streets in Wilder and Orinda Grove are actually obliged (part of the agreement to allow the developments) to provide full public access. They are in all ways public except for who pays to maintain them. If private streets were allowed to become public, which is what the City Staff is proposing to abolish, then they would by definition be open to all. And if private streets retained private ownership but were publicly maintained (there are several streets like this already in Orinda) then they too would be required to allow full public access. No one is suggesting that the public pay to maintain a street in a gated community.

[Carol Sensendorf](#)

, Oak Springs · 3d ago

Is there any way to get a list of what roads are private here in Orinda?

[Jim Evert](#)

, Del Rey · 3d ago

I think the tax fairness argument (private road homeowners are contributing to the funding of their public road neighbors’ roads, but not vice versa) is compelling. However, I don’t know if that issue in isolation is all that is relevant to “equality “ and “fairness “. As this discussion clearly suggests, no economically rationale person today would pay the same price for an Orinda home located on a private road as for an identical home on a public road, as the private road home bears the extra cost of road maintenance. I see no reason why an informed home buyer in the past would have acted differently, which would suggest that existing private road homeowners paid less for their homes than public road homeowners of comparable houses. Is it “fair” to existing public road homeowners, who presumably paid a premium for their homes when compared to private road homes, to now ask them (as the majority of tax payers) to fund the cost of maintenance of private roads? Doing so would clearly provide private road homeowners a premium sales price over what they would otherwise receive when selling their homes in the future, and such premium would have been funded principally by public road homeowners.

[Tom Flynn](#)

, Ardor/Valley View · 3d ago

Yes, and since your home value is very slightly less than an identical public road home, that also means you pay a very small amount less each year in property taxes than the public road home does. So maybe it all evens out in the end! The wonders of economics!

[Kim Applegate](#)

, Stein Way · 3d ago

Anne, Private Roads are open to the public. The owner and easement holders of the roads cannot restrict access. Yet the private road holders are still required to maintain the roads for public level access and assume all of the risk for the benefit of the public.

[Eric Kelleher](#)

, Stein Way · 3d ago

all fair arguments and discussion above on all points. i think this proposition has merit. feels to me if a road is designated private, then the residents should have the option of gating it to restrict non-resident usage. However, the city of Orinda prohibits gating or restricting access on "the city's" private roads. its stated reason for this policy is explicitly because the city wishes to ensure those "private" roads remain accessible to the public. i.e., the city is designating the roads for public use. we shouldn't be able to have it both ways. if the roads are private, residents should be able to decide by themselves to gate them. if they're available to the public, they should be treated and maintained as public. we live on one of these streets. our street is designated Private, but in daily usage it is a through street and has constant through traffic from drivers who do not live on our street. this through traffic often drives through at 45+ mph in our 25mph zone. personally, i'd vote to allow us private street residents to gate our "private" street, and to privately maintain it. alternatively, if the city continues to refuse to allow us to restrict access, the reasonable alternative is for the city to re-designate the street for both public access *and* public maintenance.

[Su Buchignani](#)

, Acalanes Valley · 3d ago

This has sparked my curiosity. I would like to know the legality of the restrictions on Juniper Drive in Orinda. The signs state that it is private and use is restricted to its residents. In addition, should there be a traffic accident on the road, I have been told that the police will not come. Having lived in the area for over 30 years, I have first-hand knowledge of the latter. I have avoided this road for many years, even though it is significantly shorter than my current route. Even GPS navigation systems direct me to use it.

[Steve Cohn](#)

, Ardor/Valley View · 3d ago

Regarding the value of homes on private streets vs. public residential streets. Up until a few years ago, Orinda's publicly maintained residential streets were rated the worst in the Bay Area and real estate values on those streets reflected their sorry state. Conversely, the privately maintained streets were generally in good to very good condition and the homes on those streets probably sold for a premium, not a discount as some surmise. Now that we are pouring tens of millions of dollars into the public streets, the prices of homes on those streets are probably improving (you are welcome). However, when that money is gone (at the end of 2019), there are no funds currently identified to maintain the public streets until we vote more in. Do the people buying homes on the public streets know this? Does the price of the homes on those streets reflect this knowledge of an uncertain future? Plus, how much of a premium would there be if a buyer knew he/she had to pay road maintenance fees? The average lightly used residential street

can be maintained for about \$20,000 per mile per year. There are about 50 households per mile on Orinda's private streets meaning each household has to pay about \$400 a year for maintenance. The average Orinda home today costs about \$1.4 million. An 80%, 30 year mortgage would have payments of close to \$70,000 a year. Property taxes another \$17,000. Insurance. Utilities. Is someone going to pay a LOT less for a house that costs \$400 a year less than another? I doubt it. Sounds rational but it is probably irrelevant. So why are we going on about \$400 a year? Maybe it does just come down to the fairness issue. No one likes to be taken for a sucker. And we don't want to be "spoilers" either but if 1,500 families banded together, they could kill any new tax bill and watch as the public residential streets reverted back to gravel for lack of maintenance. We would rather see the residents stick together and make sure everyone received the same benefits, as closely as possible.

Steve Cohn

, Ardor/Valley View · 3d ago

re. Juniper Dr. If it is privately owned, I believe the owners have every right to restrict access either with a sign or even a gate (although I am not an expert or a lawyer). I believe there have been gates in Orinda that have been ordered removed for public safety reasons (emergency vehicle access). As for the police not showing up for a traffic accident, even on private property, that would surprise me. If the City insists on public access, as they do with Wilder and Orinda Grove, the argument against providing public maintenance funds seems really weak.

Valerie Colber

, Stein Way · 3d ago

See City of Orinda 4/10/2018 City Council meeting agenda item I2c to download and see the Orinda Private Road Summary Table at:

http://orindaca.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1398 From the agenda of that 4/10/2018 city council meeting: 2. Discussion regarding Private Roads in Orinda, Relevant Maintenance Responsibilities, the City's Policy for Acceptance of Private Streets for City Maintenance, and Potential Options for Responding to Requests by Members of the Public for City Assistance with Private Road Maintenance a. Orinda Private Road Map b. Resolution 56-90 Private Road Acceptance Policy c. Orinda Private Road Summary Table d. Roads of Hacienda Settlement Agreement e. Sources of Funding for Maintenance of Public Streets f. Assessment District Option Process g. Civil Code Section 845 (Private Road Maintenance) h. Tips for Collecting Your Judgement i. Orindawoods - Street Maintenance Agreement June 9, 1992 j. Report to Orinda City Council on Private Street Maintenance - 3-20-2018 The authority to establish a private road is derived from the power of Eminent Domain and exists only when expressly provided by a statute. A private road can be used by the general public and is open to all who wish to use it, but it primarily benefits those at whose request it was established. But the fact of the matter is, most taxpayers or property owners NEVER requested their street to be a private road!!! They were just told this story by the city when the city didn't want to pay for street maintenance or street failure. And just making or posting a sign that says "private road" doesn't make it so. Just because a story is told for years, or this is the way it was done for years, does not make it right or so. Your property deed has a detailed description of your property, including any easements, right of ways, limitations or restrictions, and responsibilities. Newer developments have responsibilities in each deed about road and street maintenance. However, for those of us whose property dates back to prior to the existence of the city, for the 34 years and

counting the City of Orinda has been in existence and Contra Costa County gleefully rid itself of the responsibility of any and all road maintenance as of July 1, 1985, the fact is we have been paying taxes for road maintenance for all those years and not getting what we paid for due to misconceptions, misinformation, poor planning and budgeting on the part of city management. All the deeds of all the properties that the city only declared a "private road" clearly state a right of way not to be exclusive, for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, television service, electric light and power lines, together for the necessary poles or conduits to carry said lines over this land, thereby giving the county of Contra Costa at that time and the City of Orinda since July 1, 1985 the maintenance responsibilities to support all the county and city contracted commercial services to each property. What is not being mentioned is prior to 2014 when Allied Waste Services used less heavy smaller trucks once per week to collect all garbage and recycling, were replaced in 2014 by newer enormously heavier 3 trucks per week to provide the same service, and these newer trucks are so much more heavier, they are literally crushing the few inches of pavement depth that was in good to very good condition, and in just a matter of months over the first 3 years of the Republic Waste Services trucks created potholes of various sizes and depth on every street in the city. What is not understood and is not being discussed is because of all these heavy vehicles (garbage/recycling trucks, cement mixer trucks, dump trucks, 18 wheeler delivery trucks, 18 wheeler construction/hauling trucks, etc.), on all the city streets requires full depth paving thickness design to last the routine road surface life of 20-30 years, especially on all hilly roads, which is virtually every street in the city. Our city government for decades simply failed to properly maintain all city streets to avoid pavement failure, and hence all the "emergency" bond measures and forcing taxpayers to pay for paving their own streets, without any support or engineering standards nor design, on their own, and negotiate and manage all that work on their own without the required knowledge to do so! Bottom line is the city officials have spent more time and effort attempting to persuade everyone to believe nonsense that city streets/roadways to any property in the city can be divided and segregated such that the city can select which streets it wants to pay maintenance for and which they do not, and attempt to justify this outrageous unfair and unequal use of your tax dollars is somehow preposterously right because they say so.

[Michael Carradine](#)

, Corliss · 3d ago

Reading the Orinda staff report 2028.04.10 Sec I-2-c linked above [thank you Valerie!], it seems that Orinda is clear about which roads it needs to maintain (through roads for the general public) and which are private roads (cul-de-sac traffic serving local homes). The list of private roads bears this out, with some minor exceptions that may need to be tweaked. So what's the beef? The general public should maintain all private roads? Some homeowners don't want to be taxed for public roads? Not very likely or 'fair' proposals. Here's an idea: Rather than paying \$400 for annual maintenance of roads, why not buy a new set of tires for every property owner. With a bulk purchase, city and fire department vehicles can get free shoes too! Crumbly and deteriorating roads would do wonders for traffic and speed control. Who knows, Orinda might even decide to relocate Miramonte High School to the north end and save everyone the daily headache and environmental catastrophe of driving 10+ miles (some 2X a day) all the way to Moraga and back.

[Steve Cohn](#)

, Ardor/Valley View · 3d ago

Michael, did the Staff Report mention that 40% of the City's publicly financed residential streets, 27 miles of them, are cul-de-sacs just like the 27 miles of private cul-de-sacs except we are paying \$30 million to rehabilitate the public ones and then will be asked to pay \$1 million per year to maintain them? Maybe the City should declare these cul-de-sacs private also, then the 2,200 families on these streets could join the 1,500 families on the existing private streets and these 3,700 families could then vote to take away road funding for the 3,300 families not living on a cul-de-sac. That would be neighborly.

[Michael Carradine](#)

, Corliss · 3d ago

Sounds like a neighborly plan, Steve. No taxation without representation, or in this instance: No taxation without equal benefits. Prioritize road maintenance and introduce fairness. Orinda could maintain all 'A' main access thoroughfares (Moraga Way, Glorietta-Acalanes, San Pablo, Orindawoods, Miner, St. Stephens, Lombardy, partly Bear Creek) and 'B' major neighborhood connecting roads (too many to list), and forget about 'C' cul-de-sac roads by designating them ALL as 'private'. Or, in the alternative, reevaluate all 'C' roads and determine which ones meet current standards (27 mi of 'old accepted' and 27 mi of 'new not-yet accepted') and rotate maintenance among them. Orinda could also break up roads by neighborhoods, mixed 'B' and 'C' roads, and create HOA type groups that directly maintain themselves and then being taxed only for 'A' roads. Some 'A' roads should get contributions, such as Moraga Way and Glorietta receiving a 'toll' from Moraga vehicles. In reality, road maintenance for cul-de-sac and minor roads is better left to private endeavors. Private groups can get much better value for dollars spent than government. Private roads can also control and limit usage, for example, disallow vehicles and trucks over 2'500 Kg -- roll your 'C' refuse cans to a collection point at a 'B' street.

[Valerie Colber](#)

, Stein Way · 3d ago

Unfortunately this is the last item on the agenda for the 9/4/2018 that the public can comment on at the meeting, right before the final council routine agenda items before end of meeting. I guess that assures the least public feedback.

http://orindaca.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=SplitView&MeetingID=1406&MediaPosition=&ID=1596&CssClass= It's the same old malarkey, where city deemed "private road" property owners have to run the gauntlet of new city requirements that essentially involve designing, negotiating, paying, managing the entire street construction to new city standards, PLUS each property owner has to pay the city a non-refundable \$1000 EACH just for this consideration EVEN if their request is denied! And of course if the street is constructed correctly, the city won't have to "maintain" it for at least a couple of decades! What a deal for the city! Property owners are left to pay the city staff on top of their 6 figure salaries and benefits just to do their jobs, on top of everything else the property owners have to pay for. Naturally, this will be prohibitively expensive for any property owner, and unless all property owners will be around for another 20-30 years, they will never get the value of paying the city to "accept" the "private road".

[Valerie Colber](#)

, Stein Way · 2d ago

<http://orindaca.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1406&Format=Agenda>

[Valerie Colber](#)

, Stein Way · 2d ago

Happening now at the council meeting in record agenda time!

[Carol Sensendorf](#)

, Oak Springs · 21h ago

Per the top link that Valerie posted (Thank You!!!), Barbara Road is private but dedicated for public access. Barbara Road was just re-paved, so there is obviously wiggle room (& inconsistencies). Gotta love Orinda - they just do what they wanna do!

[Steve Cohn](#)

, Ardor/Valley View · 21h ago

Carol: What part of Barbara Rd was paved? Is all of Barbara private or only that part that goes from Oak Rd to Oak Rd? Is the part from Spring Rd to Oak Rd also private? The City's "public maintenance" chart shows that the City only works on the part from Spring to Oak and not the part from Oak to Oak.

[Carol Sensendorf](#)

, Oak Springs · 20h ago

Steve - you are correct! The city worked on the public part. I did not read the map correctly. Ugh - hoped for a loophole. I am on Oak Road (the well groomed part). Thanks for catching this!