

RESOLUTION No. 2019-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, AUTHORIZING THE EXECUTION OF A LANDSCAPE
MAINTENANCE AGREEMENT BY AND BETWEEN STATE OF CALIFORNIA
AND CITY OF LAKE ELSINORE FOR LANDSCAPE IMPROVEMENTS
INSTALLED ON STATE ROUTE 74 AT GRAND AVENUE**

WHEREAS, State Route 74 has been declared to be a highway by resolution of the California Highway Commission; and

WHEREAS, the City of Lake Elsinore (City) conditioned the Pardee Homes' "Westlake" subdivision to install and maintain landscape improvements on excess State of California, State Route 74 right of way adjacent to the development; and

WHEREAS, the State of California Department of Transportation (Caltrans) is has approved the installation of the Landscape improvements (*Encroachment Permit # 08-19-6-CD-0728*), conditioned that the City execute a Landscape Maintenance Agreement (LMA) to assume responsibility for the maintenance of the improvements; and

Whereas, the City is willing to execute the LMA conditioned that the "Westlake" home owner's association through their Covenants, Conditions and Restrictions assume the actual cost and maintenance of the Landscape; and

Whereas, City Staff and City Attorney have reviewed the draft CC&R's and added responsibility for the LMA activities to them; and

Whereas, Caltrans further requires their standard form "Landscape Maintenance Agreement" be used.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, STATE OF CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: Approves the form of the "Landscape Maintenance Agreement" with the State of California Department of Transportation (Caltrans) for the maintenance of installed landscaping; and

Section 2: Authorizes the Mayor and City Manager to execute four (4) originals of the "Landscape Maintenance Agreement" attached hereto as Exhibit "A"; and

Section 3: Directs the City Clerk to forward the executed originals to Caltrans for further processing; and

Section 4: This Resolution shall become effective immediately upon adoption.

Section 5: The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Lake Elsinore, State of California this 10th day of December, 2019, by the following vote:

,Mayor

Attest:

Candice Alvarez, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. _____ was adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of December 10, 2019, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, City Clerk