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Letters to the editor

Orinda private roads
discussion continues

There were very many people at the Aug. 27th private roads workshop. A big thank you to all who attended.

This city council seems committed to engage their constituents. I applaud this and hope for more workshops on issues that concern the citizens, since council meetings do not allow for dialog. If the tax paying residents want all of Orinda's roads and drains to be in good condition I hope the council can help us achieve this goal. This is what a city community should do.

From the many stories we heard at the workshop the council understands the nature of the problem. It is time for the council to make progress on this issue at least by obtaining realistic private road and drain cost data to inform their future decisions. Everyone in Orinda is exposed to risks whose costs are shared. Since we are all in one community we ought to be able to change city policies to reflect that. How would you feel if your road failed catastrophically and you were told you're on your own?

The difficulty that the council now confronts is that if the 20% of private road residents are not appeased they will probably reject any additional road and drain maintenance funding which is needed to repair our drains and maintain our roads. Even the extension of the $\frac{1}{2}$ cent sales tax is at risk, let alone an increase to 1 cent or a new bond measure. Public road residents whose roads have been recently repaired may also reject new taxes. But the reality is that additional infrastructure funding is needed to avoid a much bigger deferred maintenance bill later. It is up to us to decide. Please attend the Oct 1st Council meeting in the library at 7 pm, when we will have the facilitator's workshop report and hear our council members opinions. The larger the attendance the better. We need to be seen and heard responding to the council to show our engagement.

Charles Porges
Orinda

Thank you to Stanley student

On multiple levels it was a delight to read Nick Dietsch's letter expressing gratitude to the voters who approved Measure C bonds to improve Stanley Middle School (and other) facilities. Lafayette is special for a number of reasons, and at the top of the list is the quality of our schools. However, what made me smile the most was recognizing a young man who had the quality and maturity to take the time to express his gratitude in such a sincere, enthusiastic manner. When voting to approve the next bond measure, I will smile a bit more knowing that there are at least some students who recognize and appreciate Lafayette residents' financial support. Thank you, Nick. Your letter does you credit, and it made my day.

Eliot Hudson
Lafayette

Private roads' impact on city

BEWARE: What you don't know can hurt you!

Orinda readers should know that a well-organized homeowner's group could make a significant impact on Orinda's City financial liability and our tax burden. These Orinda residents reside on "private roads" and are making a concerted effort to have the city pay for the maintenance of these private roads. Private roads are an easement in the nature of a private right-of-way. These access roads are on private property and might be shared by more than one residence.

As stated in CA Civil Code CIV, chap. 2, 845: the owner of the property is responsible for the cost of maintaining private road.

As we all have seen the significant upgrade of Orinda's roads, the private road owners now are demanding an "equal" treatment for their "private roads". They claim they pay the same taxes as all citizens and they should reap similar benefits. Their cry rings hollow as the remaining citizenry does not appreciate benefits from their "private roads" at all. In some case the general citizenry would be trespassing.

In contrast, these private road owners do enjoy all improved public roads they drive outside their private ones.

Before rescuing these private road owners, who clearly knew their responsibility and liability with the purchase of their residence, the City Council needs a clear test of what are private roads and how does it benefit all citizens to assume these repair. Orinda citizens need to be informed of the impact on their tax liability if the Council would proceed this way.

If you are concerned about your tax liability in this matter, please attend the Orinda City Council meeting in the Community Center on Tuesday, Oct.1, at 7 PM when this matter will be discussed.

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