



City Council Staff Report

Subject: Abandonment of an Open Space and Conservation Easement and Acceptance of a New Open Space and Conservation Easement Over Portions of the Croftwood Subdivision

Date: October 25, 2022

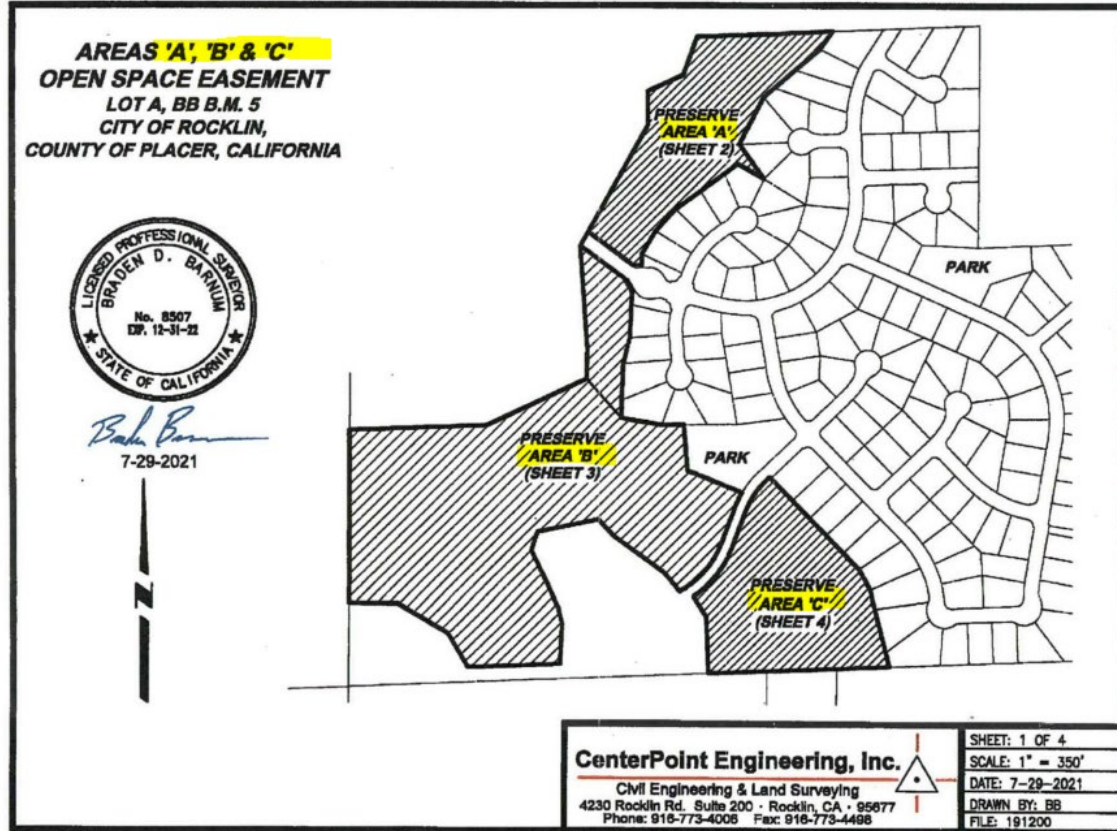
Submitted By: David Mohlenbrok, Community Development Director
Lynn Toth, Associate Civil Engineer

Department: Community Development Department

Staff Recommendation

Adopt a Resolution of the City Council of the City of Rocklin Approving and Authorizing Execution of an Open Space Easement (Riparian Area and Creek Protection) (Croftwood Subdivision/(SD-88-05))

Adopt a Resolution of the City Council of the City of Rocklin Approving the Abandonment of an Open Space and Conservation Easement with Covenants (Riparian Area and Creek Protection) Over Portions of the Croftwood Subdivision (SD-88-05) and Authorizing the Execution and Recordation of Said Abandonment on Behalf of the City



OPEN SPACE EASEMENT AREA

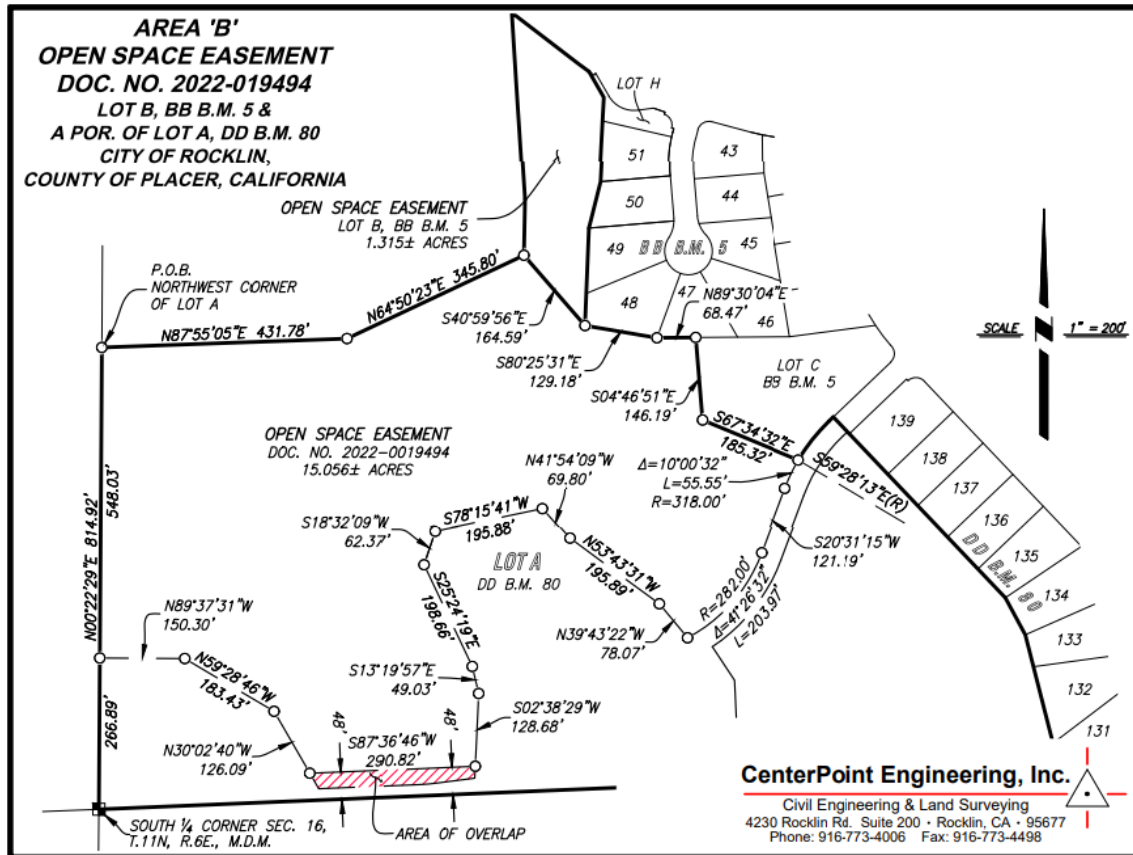
BACKGROUND

The subject property is owned by CROWNE PROPERTIES, INC. a California Corporation and is intended to be preserved as open space, as a part of the Croftwood Subdivision Tentative Map (a.k.a. Crowne Point) approved by City Council Resolution No. 91-233 on July 23, 1991.

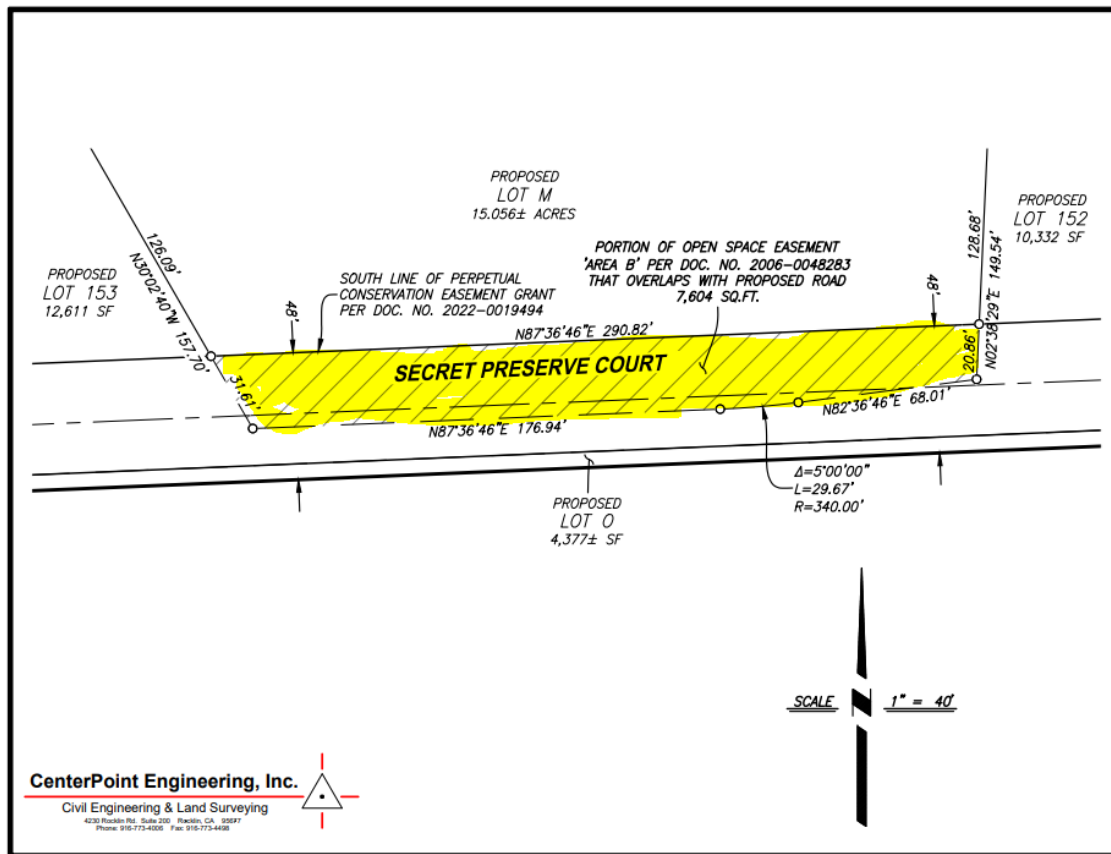
The subject open space and conservation easement was recorded with a single document (Instrument No. 2006-0048283) over Areas A, B, and C, as shown on the above illustration, with the recording of a Final Map for the first phase of development of the Croftwood Subdivision to satisfy a condition of approval and comply with the project's 404 Permit from the U.S. Army Corps of Engineers.

During the design of the subdivision improvements for the fourth and final phase of the Croftwood development, the road right-of-way width along the southern boundary of the subdivision, was required to be 48-feet wide, which encroached into the existing 2006

Open Space and Conservation Easement (see cross-hatched area shown in the two exhibits below), therefore requiring modification to the Open Space Easement boundaries prior to approval of a final map for the Phase 4 development area by the City Council. The modification will reduce the area of the open space easement by approximately 7,604 square feet.



AREA OF ENCROACHMENT OVERALL EXHIBIT



AREA OF ENCROACHMENT – DETAIL EXHIBIT

Tim Lewis Communities, Inc., the Croftwood developer, is now ready to record the Croftwood Phase 4 final subdivision map and is therefore seeking to have the City abandon the 2006 Open Space and Conservation Easement, and, concurrently, will grant to the City of Rocklin, a replacement Open Space and Conservation Easement which will include an updated map and legal description to reflect elimination of the roadway encroachment area.

General Plan Consistency

The abandonment of the existing open space and conservation easement was determined to be consistent with the goals and policies of the City of Rocklin General Plan by the adoption of a Resolution of the Planning Commission of the City of Rocklin Making Findings and Furnishing a Report under Government Code Section 51093 (General Plan Consistency Finding for Abandonment and Replacement of an Open Space Easement (Croftwood Subdivision)) on September 6, 2022 (Resolution No. PC-2022-34).

PROCESS (Government Code Sections 51093 and 51094):

To abandon an open space easement Government Code Sections 51093 and 51094 require the following steps to be completed:

1. The Placer County Assessor shall determine the full cash value of the land as though it were free of the open space easement. The Assessor shall multiply such value by 25 percent, and shall certify the product to the City Council as the abandonment valuation of the land for the purpose of determining the abandonment fee. The Placer County Assessor has determined the full cash value of the land as though it were free of the open space easement to be \$15,000 as of October 4, 2022 in a letter dated October 11, 2022. The Assessor then multiplied such value by 25 percent and has certified the product to the City Council as the abandonment valuation of the land for the purpose of determining the abandonment fee.
2. The City Council must hold at least one public hearing in which it has given 30 days' notice by publication and by posting the notice on the land. Such notice and posting requirements have been met for today's hearing.
3. Prior to approving the abandonment of any open-space easement, the City Council shall determine and certify to the County Auditor the amount of the abandonment fee which the landowner must pay to the County Treasurer upon abandonment. The abandonment fee shall be equal to 50 percent of the abandonment valuation of the property. Here, the abandonment fee is \$1,875.00.
4. The City Council may approve the abandonment of an open-space easement only if it finds that:
 1. No public purpose described in Government Code Section 51084 will be served by keeping the land as open space;
 2. The abandonment is not inconsistent with the purposes of the Open-Space Easement Act of 1974;
 3. Abandonment is consistent with the City's General Plan; and
 4. Abandonment is necessary to avoid a substantial financial hardship to the landowner due to involuntary factors unique to him.

The abandonment is not effective until the abandonment fee for the 7,604 square foot area being permanently removed from an open space easement has been paid in full. Recording of a new open space and conservation easement with covenants, less the 7,604 square foot area needed for roadway construction shall take place prior to abandonment

of the existing open space easement to ensure that only the 7,604 square foot roadway area is ultimately removed from the protection of an open space easement. Once the new open space easement has been recorded and the applicable abandonment fee is paid in full, the resolution abandoning the open-space may be recorded. Upon the recording in the Placer County Recorder's Office of a certified copy of the resolution abandoning the open-space easement and reciting compliance with the provisions of Government Code Section 51093, the land subject to the easement shall be deemed relieved of the easement and the covenants of the owner contained therein shall be deemed terminated.

Environmental Determination

The Environmental Coordinator has reviewed the proposed Open Space Easement Abandonment and Replacement and determined that the conversion of a portion of the open space easement area to a developable area and the associated abandonment of a portion of the Open Space and Conservation Easement were addressed in the Final Environmental Impact Report for the Croftwood Subdivision that was certified by the Rocklin City Council by Resolution 91-232 on July 23, 1991, and no further environmental review is required.

FISCAL IMPACT:

No Impact.