

RESOLUTION NO. 2022-

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

WHEREAS, Tim Lewis Communities, Inc., on behalf of CROWNE PROPERTIES INC. a California Corporation, the owner of properties known as Croftwood Subdivision Phase 1 lots A and B (APN 453-010-032, & 453-020-021), and Crowne Point Phase 1 Unit 3B Portion Lot A (APN: 045-053-084 portion) has requested that the City of Rocklin abandon an open space and conservation easement with covenants recorded over the properties; and

WHEREAS, the proposed road right-of-way of the final phase (Croftwood Subdivision Phase 4) of the Croftwood Subdivision is encroaching into the current open space and conservation easement recorded (Placer County Recorder's Office Document No. 2006-0048283) over the property ; and

WHEREAS, the Placer County Assessor has certified the abandonment valuation of the land to be permanently removed from the open space easement as \$3,750.00, in accordance with Government Code section 51093; and

WHEREAS, on September 6, 2022, the Planning Commission of the City of Rocklin held a public hearing and thereafter found and reported that the abandonment of the existing open space and conservation easement with covenants over Croftwood Subdivision Phase 1 Lots A and B (APN: 453-020-021-000), and Crowne Point Phase 1 Unit 3B Portion Lot A (Croftwood Subdivision, APN: 045-053-084-000), to remove the open space encumbrance from the 7,604 square foot area needed for roadway construction was consistent with the goals and policies of the City of Rocklin General Plan, as required by Government Code Section 51093 (Planning Commission Resolution 2022-34); and

WHEREAS, on October 25, 2022, the City Council of the City of Rocklin held a public hearing on the granting of a new open space and conservation easement with covenants, less the 7,604 square foot area needed for roadway construction (to ensure that only the 7,604 square foot encroachment area is ultimately removed from the protection of an open space easement), and subsequent abandonment of the existing open space and conservation easement over Croftwood Subdivision Phase 1 Lots A and B (APN: 453-020-021-000), and Crowne Point Phase 1 Unit 3B Portion Lot A (Croftwood Subdivision, APN: 045-053-084-000), after giving 30 days notice thereof in accordance with Government Code Sections 51093 and 6061; and

WHEREAS, in accordance and compliance with Government Code section 51093, the City Council of the City of Rocklin finds that no public purpose described in Government Code Section 51084 will be served by keeping the land as open space, that the abandonment is not inconsistent with the purposes of the Open-Space Easement Act of 1974 (Government Code 51070 *et seq.*), that the abandonment is consistent with the City's General Plan, and the abandonment is necessary to avoid a substantial financial hardship to the landowner due to involuntary factors unique to the landowner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rocklin, as follows:

Section 1. The recitals set forth above are true and correct.

Section 2. In accordance with Government Code section 51093, the City Council of the City of Rocklin hereby determines and certifies to the Placer County Auditor the amount of the abandonment fee for the 7,604 square foot area to be permanently removed from the protection of an open space easement which the landowner must pay to the County Treasurer for the abandonment of the open space easement is \$1,875.00.

Section 3. The City Council of the City of Rocklin hereby approves the abandonment of the open space and conservation easement with covenants recorded in the Placer County Recorder's Office as Document No. 2006-0048283. Said abandonment shall be recorded only after recordation of a new open space easement and covenants covering all but the 7,604 square feet of land to be used for roadway purposes currently protected by open space easement with covenants (Placer County Recorder's Office Document No. 2006-0048283) to ensure that the only area removed from open space and conservation easement protections is the 7,604 square foot area necessary for roadway development in the Phase 4 development area.

Section 4. The City Council of the City of Rocklin finds that environmental review for 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 was 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.

Section 5. Upon confirmation from Placer County that the abandonment fee has been paid in full, the City Clerk is authorized to record a certified copy of this Resolution abandoning the open space and conservation easement with covenants over Croftwood Subdivision Phase 1 Lots A and B (APN: 453-020-021-000), and Crowne Point Phase 1 Unit 3B Portion Lot A (Croftwood Subdivision, APN: 045-053-084-000), subject to the requisite conditions in Section 3 of this Resolution.

PASSED AND ADOPTED this 25th day of October, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Bill Halldin, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

EXHIBIT A

OPEN SPACE AND CONSERVATION EASEMENT WITH COVENANTS ABANDONMENT (RIPARIAN
AREA AND CREEK PROTECTION) OVER CROFTWOOD SUBDIVISION PHASE 1
(Recorded May 04, 2006, Document No. 2006-0048283)