



COUNTY OF PLACER
Community Development/Resource Agency

Michael Johnson, AICP
Agency Director

**ENGINEERING AND
SURVEYING DIVISION**

Richard Eiri, Deputy Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael Johnson, AICP *MJ.*
Agency Director

DATE: October 8, 2013

SUBJECT: **RIOLO GREENS PHASE I EASEMENT ABANDONMENT**

ACTION REQUESTED

1. Adopt a resolution to abandon portions of a Multi Purpose Easement (MPE) and Multi Purpose Trail Easement (MPTE) created over Lot A shown on the Final Map for Riolo Greens Phase 1.
2. Adopt a resolution authorizing the Agency Director to execute all documents necessary to transfer a portion of Lot A shown on the Final Map for Riolo Greens Phase 1.

There are no net County costs associated with these actions.

BACKGROUND

The representatives of the Morgan Creek and Riolo Greens (now known as Morgan Greens) subdivisions have requested modifications to the existing subdivision approvals to allow gated entries into the existing residential subdivision located in West Placer County. These Subdivision Modifications are scheduled for public hearing before the Planning Commission on October 10, 2013. For both subdivisions, four gated entries are proposed and operation of the same will be through one central location in the Morgan Creek subdivision. In a preliminary review by staff, it was concluded that, with the exception of the Jimmy Way entrance off of Cook-Riolo Road, the other three entries can accommodate gated entries with the required vehicle turn-around area without additional road improvements and/or additional land acquisition. In order to meet the turn-around requirements at Jimmy Way in the Riolo Greens subdivision, additional improvements are needed. To reduce the amount of impacts to existing residential and subdivision improvements to the south, the applicant has requested County cooperation to obtain County property to the north of Jimmy Way to accommodate these required turn-around movements.

The property to the north (APN 023-250-055) of the Riolo Greens subdivision is comprised of approximately 46.7 acres owned by Placer County and was acquired for open space, floodplain preservation and certain public infrastructure. Public improvements such as sewer facilities and pedestrian/equestrian trails currently traverse this property. Prior to County ownership, public easements were created for improvements that were eventually constructed in alternate locations (near Dry Creek) making these public easements now unnecessary. Also, since Placer County (the grantee of the easements) is the owner in fee of the property, no easements are necessary for the County to use this property. Adoption of the resolution abandoning the County's easements will eliminate any misunderstanding pertaining to the use and control of County owned land.

The portion of the property proposed to be transferred comprises of approximately 0.05 acres (2,000 square feet) of the County's 46.7-acre property, and has been valued at \$458.19. This opinion of value was provided by Mr. Shawn Bates, a real estate broker at North American Realty. The land value appraisal has been reviewed and approved by the County's Right-of-Way Agent.

No public improvements are needed in the portion of the property that is proposed to be transferred to the applicant. A minor amount of fill within the shallow fringe of the floodplain is required to construct the proposed improvements; however, the project will be providing volumetric compensation (additional floodplain storage) to offset the reduction caused by the improvements. The Riolo Greens subdivision created open space in excess of the required minimum when the subdivision was improved, therefore the loss of this area does not violate the conditions of approval.

To remove any possibility the applicant will be receiving a separate legal parcel of land, a Minor Boundary Line Adjustment (MBLA) will be required prior to this transfer. As noted above, the inclusion of gates also requires additional approvals by the County, specifically subdivision modifications and separate abandonment requests of the existing Irrevocable Offers of Dedication recorded on the maps for the streets in question. To ensure that all necessary approvals are secured prior to completion of the present proposed transaction, staff is asking the Board of Supervisors to direct the Agency Director to execute the documents necessary for the County to join in the MBLA application, and to require all necessary approvals have taken place to permit gates prior to recordation of a grant deed conveying the property.

WEST PLACER MAC REVIEW

The proposed project to gate the entries was presented before the West Placer Municipal Advisory Council (MAC) as an informational item on December 12, 2012. The project returned to the MAC as an action item on February 13, 2013, at which time the MAC voted unanimously to recommend approval to the Planning Commission.

ENVIRONMENTAL CLEARANCE

A Mitigated Negative Declaration has been prepared for the Subdivision Modification application consistent with the requirements of the California Environmental Quality Act (CEQA), and will presented to the Planning Commission for their consideration.

FISCAL IMPACT

Prior to the transfer of the property, the applicant will pay the County for the value of the land to be transferred (\$458.19).

SUMMARY

The abandonment of the easements is necessary for the subsequent gated entry application that will be submitted to the Planning Commission for its review and possible approval. These are public easements that are no longer needed, as the required public improvements have been constructed elsewhere. All other approvals needed to construct gates must be satisfied prior to the recordation of the grant deed to convey this property. If the applicant is unable to achieve all of the necessary approvals, the land subject to this request would continue to remain as County owned property.

ATTACHMENTS

Attachments: Resolution to abandon easements over Lot A
Exhibit A – Description of Easements to be abandoned
Exhibit B – Exhibit Showing Easements to be abandoned
Resolution authorizing the Agency Director to execute transfer of property
Exhibit A – Exhibit of the portion of Lot A proposed to be transferred

**Before the Board of Supervisors
County of Placer, State of California**

Resol. No:.....

In the matter of: A RESOLUTION ABANDONING
A MULTI PURPOSE EASEMENT AND MULTI
PURPOSE TRAIL EASEMENT CREATED OVER
A PORTION OF LOT A, RIOLO GREENS PHASE
1.

The following RESOLUTION was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____,

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

WHEREAS, a Multipurpose Easement was granted to Placer County by the deed recorded on June 8, 2001 as Document No. 2001-0057060 Official Records of Placer County affecting the property to be later created as Lot "A", Riolo Greens Phase 1; and

WHEREAS, a Multipurpose Easement and Multi Purpose Trail Easement were dedicated to Placer County over Lot "A" shown on the map of Riolo Greens Phase 1, filed for record on December 4, 2002 in Book Y of Maps at Page 54 Official Records of Placer County; and

WHEREAS, it has been determined that a portion of those Multipurpose Easements and the Multi Purpose Trail Easement contained within the portion of Lot "A" conveyed to Placer County by the deed recorded on August 3, 2004 as Document No. 2004-0111773 Official Records of Placer County, and shown on the attached Exhibits "A" and "B", are no longer necessary for public use; and

397

Resolution No. _____

**A Resolution Abandoning a Portion of a Multipurpose Easement and Multi Purpose Trail Easement created over a portion of Lot "A", Riolo Greens Phase 1.
Page 2**

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Placer County finds that those portions of the Multipurpose Easement and Multi Purpose Trail Easement over that portion of Lot "A" shown on the map of Riolo Greens Phase 1, conveyed to the County of Placer as described and shown on the attached exhibits (hereinafter referred to as "Easement Areas"), are no longer necessary for their intended purpose.

BE IT FURTHER RESOLVED that from and after the date this Resolution is recorded, said Easement Areas shall be vacated and abandoned.

EXHIBIT "A"

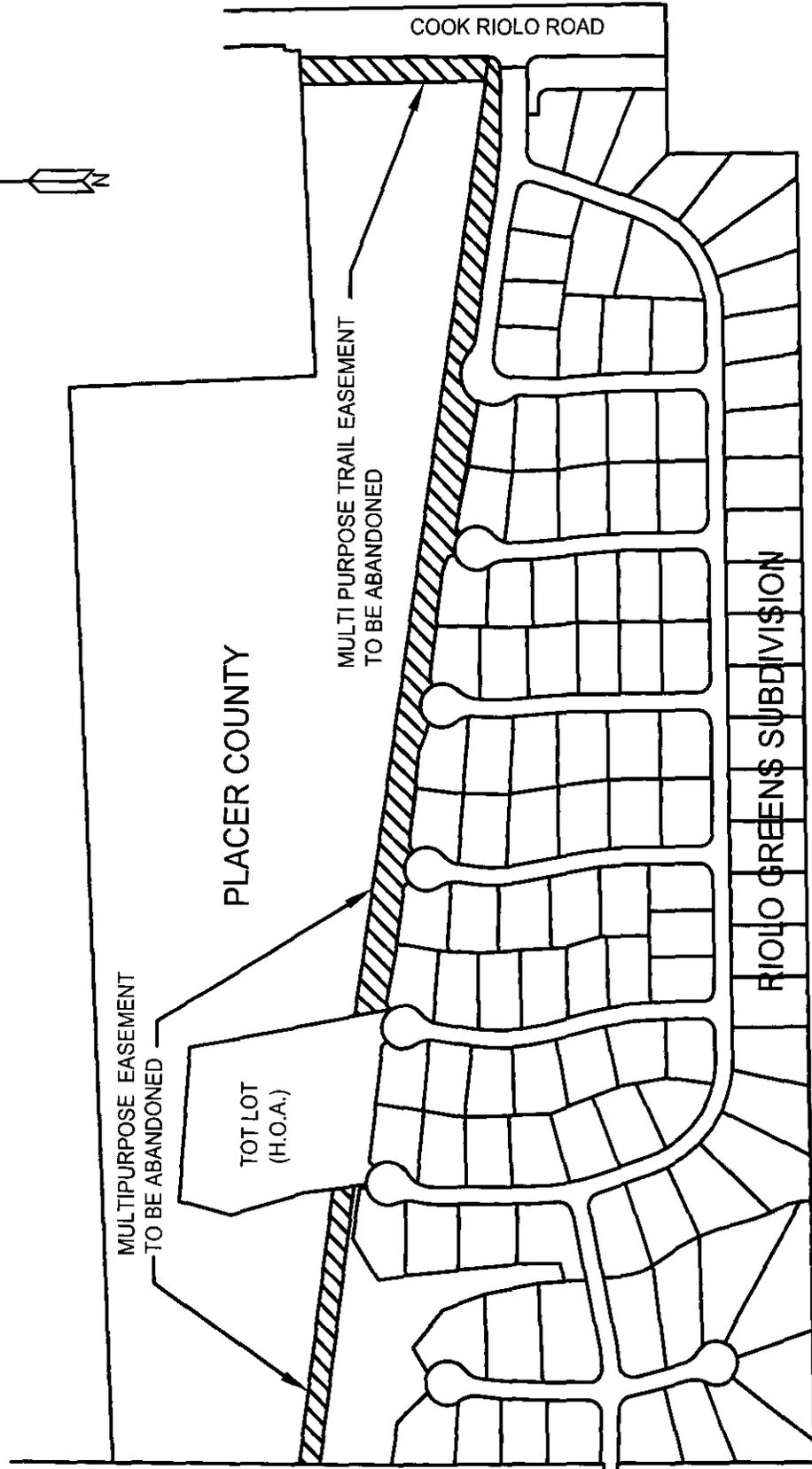
LEGAL DESCRIPTION - ABANDONMENT OF:

- 1) A PORTION OF AN MPE AND THE MPTE CREATED OVER LOT "A"**
- 2) A PORTION OF AN MPE CREATED BY DOCUMENT NO 2001-0057060**

That portion of the parcel described in the Grant Deed to the County of Placer recorded as Document No. 2004-0111773 Official Records of Placer County located in the East one half of Section 8, Township 10 North, Range 6 East, M.D.M., more particularly described as follows:

- 1) The Multi Purpose Trail Easement and a portion of the Multipurpose Easement created on the Final Map entitled Riolo Greens Phase 1 filed on December 4, 2002 in Book Y of Maps at Page 54, Placer County Official Records.
- 2) The Multipurpose Easement described as Exhibit "A" in the deed recorded on June 8, 2001 as Document No. 2001-0057060, Placer County Official Records.

EXHIBIT B



Before the Board of Supervisors County of Placer, State of California

In the matter of: A RESOLUTION AUTHORIZING THE DIRECTOR OF THE COMMUNITY DEVELOPMENT RESOURCE AGENCY TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER A PORTION OF LOT "A" SHOWN ON THE FINAL MAP FOR RIOLO GREENS PHASE 1.

Resol. No:.....

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____,

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

WHEREAS, Lot "A" conveyed to Placer County by the deed recorded on August 3, 2004 as document No. 2004-0111773 Official Records of Placer County as part of the Riolo Greens Phase 1 subdivision to provide for the protection of the Dry Creek riparian corridor, floodplain protection and public equestrian/pedestrian trail access; and

WHEREAS, it has been determined that the portion of the Lot "A" being requested for transfer as shown on Exhibit "A" is no longer necessary for present or prospective public use; and

WHEREAS, the County as current owner of said portion must be the co-applicant for the Minor Boundary Line Abandonment ("MBLA"); and

WHEREAS, the Board desires to authorize the Director of the Community Development Resource Agency to execute all documents necessary to process

401

and record said MBLA and thereafter perfect the transfer of said portion of Lot "A".

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Placer County, State of California, to hereby authorize the Director of the Community Development Resource Agency to execute all documents necessary to process and record a Minor Boundary Line Adjustment and perfect the transfer of a portion of Lot "A" as shown on the Final Map for Riolo Greens Phase 1.

