



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	12/12/2023
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Resolution No. 11144 – A Resolution Authorizing the City Manager to Execute a Public Trail Easement for the Oak Parkway Trail between the Property Owner of 339 Montrose Drive and the City of Folsom
<b>FROM:</b>	Parks and Recreation Department

## **RECOMMENDATION / CITY COUNCIL ACTION**

The Parks and Recreation Department recommends that the City Council pass and adopt Resolution No. 11144 – A Resolution Authorizing the City Manager to Execute a Public Trail Easement for the Oak Parkway Trail between the Property Owner of 339 Montrose Drive and the City of Folsom.

## **BACKGROUND / ISSUE**

In October 2021, the property owner at 339 Montrose Drive reached out to the City regarding a fallen tree on their rear property fence adjacent to the Oak Parkway Trail that is within the PG&E power line corridor. Previously, the property owner reached out to PG&E to address the fallen tree issue only to be told that it was not on PG&E property. After contacting the City about the tree issue, the property owner was informed that the Oak Parkway Trail has an easement within the PG&E corridor and that the tree and/or damage was not the City's responsibility.

The 339 Montrose Drive property owner submitted a property parcel map showing the rear property line extending beyond the existing rear fence of the property. The City confirmed that he was correct and that a portion of the Oak Parkway Trail was within his property at 339 Montrose Drive. After staff further examined the issue, it turned out that there was a total of four properties that included a portion of the Oak Parkway Trail within their properties. The four properties included: 341 Montrose Dr; 339 Montrose Dr; 337 Montrose Dr; 335 Montrose Dr.

Staff further examined the issue to find out that back in the early 2000s the Oak Parkway Trail was a design/build project that assumed the four Montrose Dr property fences were the actual rear property lines and constructed the trail in its current location on the four Montrose Drive private residential properties.

To address the issue, City staff reached out to all four property owners to discuss remediation of the situation. The City hired Stewart Title to provide title reports for all four properties to double check that the City had built the trail within private property without an easement. After the title reports confirmed there was no easement in place for the trail, the City hired TDS Engineering to provide a trail easement survey and BRI to provide an appraisal report for a trail easement on each of the four Montrose Dr properties. BRI was also contracted to provide negotiation services with the property owners on behalf of the City to establish a trail easement for the Oak Parkway Trail.

### **POLICY / RULE**

Acquisition of property rights by the City of Folsom requires City Council approval. Resolution No. 2435, adopted on July 18, 1988, authorizes the City Manager to execute an Easement Deed.

### **ANALYSIS**

The City contracted with Bender Rosenthal, Inc. (BRI) and TDS Engineering to prepare the necessary surveying and documentation to obtain the public trail easements, including plat and legal descriptions, easement valuation negotiations, and appraisals. BRI also determined the fair market value of each easement, which was included in the appraisal reports.

BRI provided negotiations services, on behalf of the City with each property owner, to discuss the valuation for the public trail easements. BRI negotiated with the owner at 339 Montrose Drive and a final offer was agreed to between both parties for a total of \$50,000 for the public trail easement.

### **FINANCIAL IMPACT**

The City shall pay not to exceed a sum of \$50,000 for the 339 Montrose Drive public trail easement. Sufficient funds for the payment are budgeted and available in the General Fund Non-Departmental division (Fund 010) in Fiscal Year 2023-24.

### **ENVIRONMENTAL REVIEW**

The establishment of a public trail easement for the existing Oak Parkway Trail on 339 Montrose Drive is categorically exempt from environmental review under the California Environmental Quality Act as noted in Title 14 – California Code of Regulations, Chapter 3 – Guidelines for Implementation of the California Environmental Quality Act, Article 19 – Categorical Exemptions, Section 15301 (Existing Facilities).

**ATTACHMENTS**

1. Resolution No. 11144 – A Resolution Authorizing the City Manager to Execute a Public Trail Easement for the Oak Parkway Trail between the Property Owner of 339 Montrose Drive and the City of Folsom

Submitted,

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Kelly Gonzalez, Director  
PARKS AND RECREATION DEPARTMENT

## **ATTACHMENT 1**

**RESOLUTION NO. 11144**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC TRAIL EASEMENT FOR THE OAK PARKWAY TRAIL BETWEEN THE PROPERTY OWNER OF 339 MONTROSE DRIVE AND THE CITY OF FOLSOM**

**WHEREAS**, the City has identified the need for a public trail easement on private property at 339 Montrose Drive to maintain the operation of the existing Oak Parkway Trail; and

**WHEREAS**, the City negotiated with the 339 Montrose Drive property owner and came to an agreement on the valuation of the public trail easement; and

**WHEREAS**, the City shall pay \$50,000 to the owner of 339 Montrose Drive in exchange for a public trail easement; and

**WHEREAS**, sufficient funds are budgeted and available in the General Fund Non-Departmental division (Fund 010) in Fiscal Year 2023-24; and

**WHEREAS**, the easement deeds and agreements will be in a form acceptable to the City Attorney:

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom authorizes the City Manager to execute a public trail easement for the Oak Parkway Trail between the property owner of 339 Montrose Drive and the City of Folsom for a not-to-exceed amount of \$50,000;

**PASSED AND ADOPTED** this 12<sup>th</sup> day of December, 2023, by the following roll-call vote:

**AYES:** Councilmember(s):  
**NOES:** Councilmember(s):  
**ABSENT:** Councilmember(s):  
**ABSTAIN:** Councilmember(s):

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Rosario Rodriguez, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK

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