

Folsom City Council Staff Report

MEETING DATE:	8/25/2020
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10510 – A Resolution of the City Council Accepting Open Space within the Parkway Phase II Subdivision for Public Use and Bicycle/Pedestrian Trails
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

The Parks and Recreation Department recommends that the City Council approve Resolution No. 10510 – Accepting Open Space within the Parkway Phase II Subdivision for Public Use and Bicycle/Pedestrian Trails

BACKGROUND / ISSUE

Within Parkway Phase II there is approximately 130± acres of open space that is currently owned by Parkway Company LLC that will be deeded to the City of Folsom. The documentation to ultimately deed these properties is outlined in a recorded document referred to as Humbug-Willow Creek Parkway Easement Agreement Phase II (dated August 12, 2005).

In the above referenced agreement it states, “Whereas, Grantor (Parkway Company LLC) intends as owner of the Property, to convey to Grantee (City of Folsom) the right to preserve and protect the conservation values of the Property; and...” In addition, the Agreement states that, “The term of this easement shall be twenty (20) years from and after the date of mutual execution or six (6) months after Grantee receives notice from Grantor of full and complete satisfaction of the requirements of the 404 Permit, whichever occurs first.”

POLICY / RULE

California Government Code Section 37351 provides that, “The legislative body may purchase, lease, exchange, or receive such personal property and real estate situated inside or outside the City limits as is necessary or proper for municipal purposes. It may control, dispose of, and convey such property for the benefit of the City.”

ANALYSIS

Parkway Phase II includes six parcels of open space totaling 130.339 acres that is currently owned by Parkway Company LLC. The open space includes riparian, creek, and tree covered areas that exist along both Humbug Creek and Willow Creek corridors (Attachment 2).

The open space land remained in the ownership of Parkway from 1992 until now as there were mitigation and monitoring requirements set forth in the Section 404 Permit by the Army Corp of Engineers (Permit number SPK-1900-00047).

The mitigation requirements set forth in the approved plan referred to as the Parkway at Blue Ravine; Parkway and Resource Mitigation Plan dated July 1992 required the establishment of 1.47 of constructed vernal pools, 8.64 acres of seasonal and perennial wetlands, and 17.35 acres of riparian areas. The City is in receipt of a letter received by the Army Corp of Engineers dated January 16, 2015 that states that the performance criteria were successfully met and that monitoring can be discontinued.

The City of Folsom has been managing and maintaining the over 6 miles of trails, numerous bridges, and main drainage ways since 2005. With the recent receipt of documentation of completion of the Section 404 requirements, the City is now ready to receive all parcels to continue to conserve in perpetuity the natural habitat and recreational and educational values of these properties.

FINANCIAL IMPACT

Acceptance of these parcels will require routine weed abatement, tree care, and ladder fuel maintenance equating to approximately \$30,000 per year. This will be a general fund expense.

ENVIRONMENTAL REVIEW

The acceptance of this property is exempt from CEQA pursuant to 15061(b)(3) - The activity is covered by the commensurate exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENTS

1. Resolution No. 10510 – A Resolution of the City Council Accepting Open Space within the Parkway Phase II Subdivision for Public Use and Bicycle/Pedestrian Trails
2. Location of Open Space Parcels to be Deeded

Submitted,

Lorraine Poggione, Parks and Recreation Director

ATTACHMENT 1

Resolution No. 10510

RESOLUTION NO. 10510

**A RESOLUTION OF THE CITY COUNCIL ACCEPTING OPEN SPACE WITHIN THE
PARKWAY PHASE II SUBDIVISION FOR PUBLIC USE AND
BICYCLE/PEDESTRIAN TRAILS**

WHEREAS, on August 12, 2005, the City of Folsom and Parkway Company LLC, entered into an agreement referred to as, Humbug-Willow Creek Parkway Easement Agreement Phase II; and

WHEREAS, in above-mentioned agreement, the City had agreed to accept the 130.339 acres of open space parcels after successful completion of mitigation outlined in Section 404 Permit number SPK-1900-00047; and

WHEREAS, the U.S. Army Corps of Engineers, provided a letter to the owner, Parkway Company LLC, notifying them that their mitigation responsibilities were satisfied; and

WHEREAS, acceptance of said parcels is an enhancement to the City's open space palette and further provides protected habitat and resources along with continued bicycle and pedestrian trail access for the benefit of the community; and

WHEREAS, sufficient funds are available in the General Fund (Fund 010) reserves to maintain the open space acres at the approximate cost of \$30,000 per year; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to accept the six Grant Deeds totaling 130.339 acres.

PASSED AND ADOPTED this 25th day of August 2020, by the following roll-call vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):
ABSTAIN: Council Member(s):

Sarah Aquino, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

Location of Open Space Parcels to be Deeded

Parcel 1
APN 071-1410-097

Parcel 2
APN 071-1410-089

Parcel 3
APN 071-1410-011

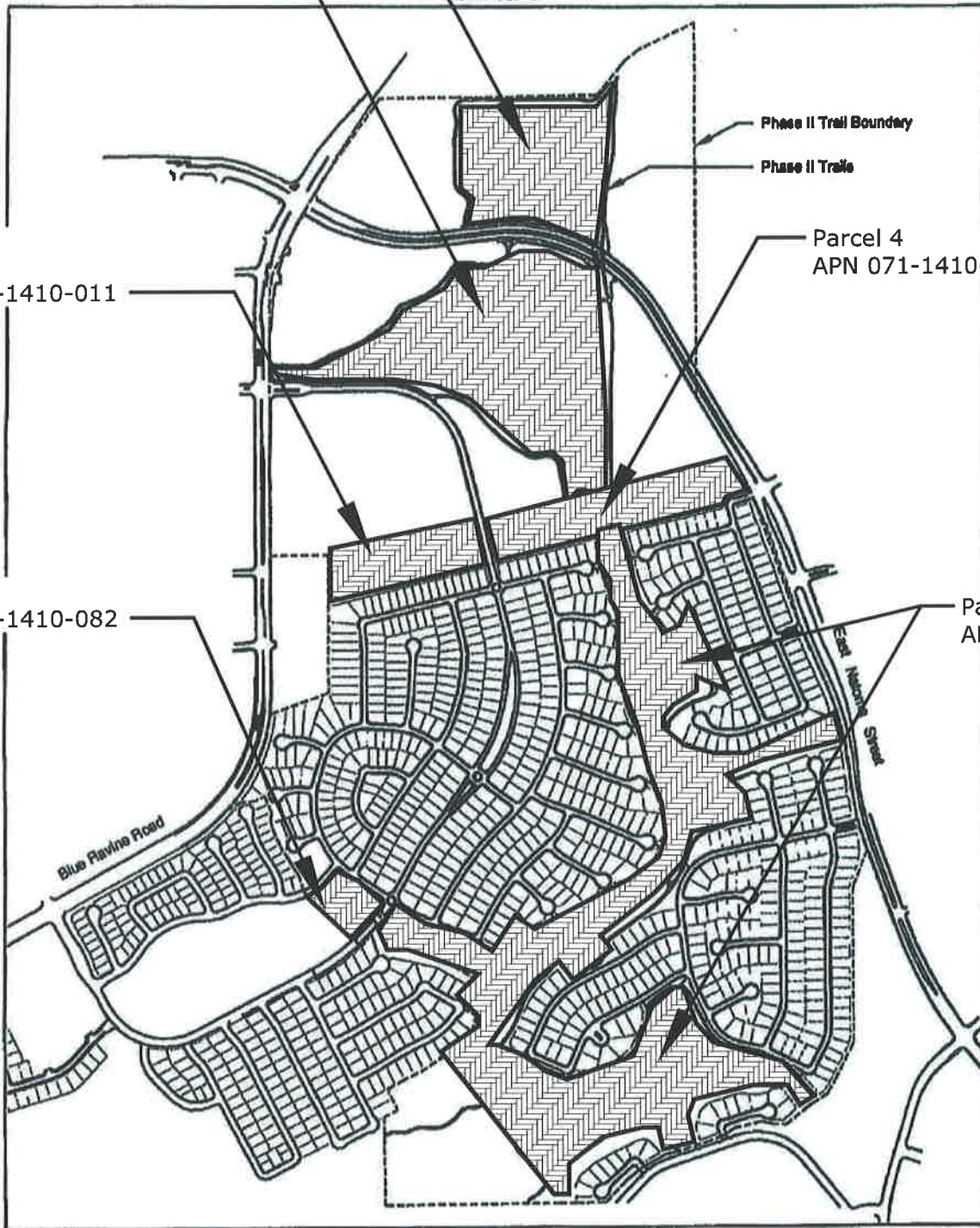
Parcel 6
APN 071-1410-082

Phase II Trail Boundary

Phase II Trails

Parcel 4
APN 071-1410-040

Parcel 5
APN 071-1410-111



The Parkway Open Space Parcels

August 25, 2020