

## RESOLUTION # 2005-15

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO MURIETA COMMUNITY SERVICES DISTRICT RESOLUTION OF INTENT TO AUTHORIZE ACCEPTANCE AND CONVEYANCE OF PROPERTY (Proposed Cosumnes River Bridge and Bridge Construction site)

**WHEREAS**, the Rancho Murieta Community Services District (the "District") has approved a Parks and Recreation Master Plan for the District, and has entered into certain Park Development Agreements with the Rancho Murieta Association ("RMA") and owners of land designated for residential development in Rancho Murieta to carryout the Master Plan and provide for a trail system within the District; and

**WHEREAS**, the proposed construction of a pedestrian, bike and small vehicle bridge across the Cosumnes River required the modification of the trail system of the Master Plan and the Park Development Agreements and the consent of the District to route the trail system onto levees maintained by the District and subject to easements held by the District; and

**WHEREAS**, bridge site and surrounding bridge construction site are owned or controlled by PTF for Operating Engineers, LLC, Delaware limited liability company, and Rancho North Properties, LLC, a California limited liability company (the "PTF Entities"); and

**WHEREAS**, the District, as the Lead Agency, prepared, and on January 4, 2005 approved, a Mitigated Negative Declaration for the Rancho Murieta Pedestrian Bridge Project, including the amendments to the Park and Recreation Master Plan and the Park Development Agreements trail system and the use of the levees for trail purposes, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, hereinafter "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 *et seq.*, hereinafter the "State CEQA Guidelines") and local procedures adopted by the District pursuant thereto; and

**WHEREAS**, after adoption of the Mitigated Negative Declaration, the District Board approved the amendments to the Parks and Recreation Master Plan and to the description of the trail system in the Park Development Agreements to provide for the proposed Rancho Murieta Pedestrian Bridge project and approved the use of certain portions of District maintained levees for the Rancho Murieta trail system; and

**WHEREAS**, all necessary State and Federal approvals for the construction of the bridge have been obtained and the superstructure of the bridge has been purchased and is held in storage, but the construction of the bridge is not proceeding, in part, because RMA, the Parks Committee charged with the supervision of the construction of the bridge, and the PTF Entities have not been able to agree on the terms of condition of easements for the construction and use of the bridge. More specifically, the PTF

Entities have requested commitments regarding indemnity from liability and mechanics liens that RMA, the Parks Committee and the contractor engaged to construct the bridge are unwilling or unable to provide. By letter dated July 29, 2005, representatives of the PTF Entities have stated that the PTF Entities are willing to grant the bridge site and construction site to RMA in fee. But because the bridge site and construction site are not within the currently subdivided areas of the Rancho Murieta Planned Unit Development, such a conveyance appears to require the approval of parcel map in compliance with the California Subdivision Map Act. The time limit for the bridge construction contract has expired, and the further delay and expense that would be required for compliance with the Map Act may jeopardize the financial feasibility of completing the construction of the bridge; and

**WHEREAS**, Government Code Section 66428(a)(2) allows a public agency, such as the District, to accept and convey property without an approved parcel map (subject to certain exceptions), and this exemption from the Subdivision Map Act has been relied upon and used in the past to accomplish property transfers necessary to implement the District's Parks and Recreation Master Plan and the Park Development Agreements. Specifically, the major park sites for the Rancho Murieta Planned Unit Development (which are also outside the subdivided areas) have been transferred from PTF to RMA by transactions in which PTF conveyed the park sites to the District without parcel maps and the District then conveyed the same park sites to RMA; and

**WHEREAS**, representatives of PTF have informed representatives of the District that similar transfers of the bridge site and bridge construction site prior to the commencement of construction of the bridge would substantially resolve PTF's concerns regarding indemnity for liability and mechanics liens; and

**WHEREAS**, the District desires to assist and facilitate the construction of the bridge to implement the Parks and Recreation Master Plan and the Park Development Agreements of the District.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Rancho Murieta Community Services District that the Board declares its intent to accept the conveyance of the bridge site and bridge construction site from PTF for Operating Engineers, LLC and/or Rancho North Properties, LLC, and, if such a conveyance occurs, its intent to convey the bridge site and bridge construction site to Rancho Murieta Association upon completion of construction of the bridge, subject to the following preconditions:

1) a binding commitment of Rancho Murieta Association to accept conveyance of the bridge site and bridge construction site after the completion of construction of the bridge;

2) binding commitments of Rancho Murieta Association, PTF for Operating Engineers, LLC and Rancho North Properties, LLC, and other affected property owners for easements necessary to provide access to the bridge site and bridge construction

site during construction and for use of the bridge as part of the Rancho Murieta trail system, and

3) binding commitments for extension of the construction contract for the bridge.

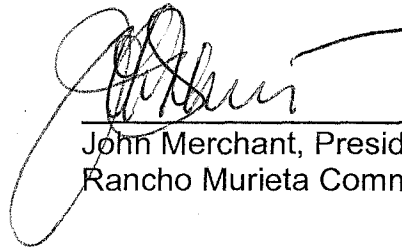
**PASSED AND ADOPTED** by the Board of Directors of the Rancho Murieta Community Services District at their special meeting held on this 19<sup>th</sup> day of September, 2005 by the following roll call vote:

**AYES:** *Merchant, Taylor, Brennan, ~~Kuntz~~, Taylor*

**NOES:** *None*

**ABSENT:** *None*

**ABSTAIN:** *None*

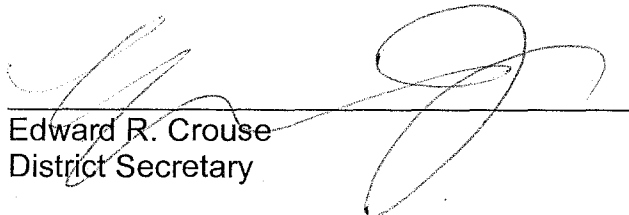


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John Merchant, President of the Board  
Rancho Murieta Community Services District

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**Attest:**



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Edward R. Crouse  
District Secretary