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February 8, 2017

Ms. Cheryl McElheny
Parks Committee
Rancho Murieta Association
7191 Murieta Parkway
Rancho Murieta, CA 95683

Subject: Parks Committee - Discussion Regarding Applicable Trail Standards

Dear Ms. McElheny

On behalf of our client, Rancho Murieta Properties, LLC, we wish to respond to the matters described in the "Rancho Murieta Park Committee Overview" document dated 9/15/16 (the "Overview"), which was provided to the Parks Committee for comment at the Committee's November 1, 2016 meeting. While we appreciate the opportunity for comment on matters related to trail standards for the Rancho Murieta North development, we respectfully disagree with certain positions taken by RMA Staff regarding the ability of the Parks Committee to unilaterally establish new trail standards for Rancho Murieta North.

As Staff correctly notes, development within Rancho Murieta is subject to three Park Development Agreements (PDAs); the two PDAs applicable to Rancho Murieta North were adopted in February and June 1991, respectively and both agreements are substantially similar. Section 3 of the PDA (Pedestrian and Bike Trail System) provides as follows:

Landowners agree to develop and upon completion, grant to RMA at no cost to RMA, a system of pedestrian and bike trails, constructed to standards and specifications as approved by the Parks Committee and consistent with state and federal regulations, which shall be incorporated in subdivision maps as development progresses. The pedestrian and bike trails may be incorporated in the road sections of subdivisions or through parks to be dedicated to RMA or granted as separate parcels (or easements) as determined by subdivision design and County of Sacramento approval. The trail system may include a river crossing, subject to any required approvals and any conditions imposed thereon by all applicable government agencies. The approximate locations of trails to

be developed are shown on Exhibit E attached hereto. It is expressly understood and agreed that locations shown on Exhibit E are conceptual only and that the actual trail configuration shall be as shown on final residential subdivision maps to be approved by the County of Sacramento. Such locations must be consistent with the density permitted under the Rancho Murieta Planned Development Ordinance Mo. 77-10 ("PD Ordinance"), applicable state and federal statutes and regulations, and customary and reasonable planning and marketing objectives. Changes in the plan shown in Exhibit E will be subject to the consent of the Park Committee, such consent not to be unreasonably withheld."

The PDA requires that the developer is to provide a system of pedestrian and bike trails within each subdivision, as development progresses. Exhibit E to the PDA conceptually describes the "approximate locations" for pedestrian and bicycle trails within Rancho Murieta. However, Section 3 of the PDA provides that the actual trail configuration is to be shown on final residential subdivision maps approved by the County of Sacramento. No provision of the PDA (including Section 3) provides the Parks Committee with the authority to develop or adopt standards or specifications for pedestrian or bike trails within Rancho Murieta North, apart from the conceptual definition of the trail system set forth in Exhibit E. The provisions of Section 5 of the PDA related to Parks Committee review and approval of construction plans for park facilities do not apply to the trail system, which is governed separately by Section 3 of the PDA.

It is our opinion that adoption of new standards and specifications for trail facilities by the Parks Committee would require an amendment to the PDA, which would have to be agreed-upon by all parties to the PDA, including Landowners. However, as matters stand today, nothing in the PDA provides the Parks Committee with the authority to unilaterally dictate trail standards or to impose standards outside the County's subdivision review process. Our client has been working through the County's subdivision review process, and is poised to submit revised tentative maps in coming weeks, which will identify the proposed trail facilities within the subdivision.

The Parks Committee is welcome to comment on the proposed tentative map as part of the County's process, and we are willing to discuss the proposed trail system with the Parks Committee at any time. However, our clients are not willing to agree to amendments to the PDA that would vest all authority to determine applicable trail standards with the Parks Committee, to the exclusion of our clients and the County.

We look forward to discussing these matters further with the Parks Committee members and Staff.

Very Truly Yours,

Phillips Land Law, Inc.



Kevin M. Kemper

CC: Mr. Greg Vorster, RMA
Ms. Darlene Theil, RMCSD
Mr. Mark Pecotich, RMCSD