

Planning Commission
Sacramento, California

Members in Session:

SUBJECT: A. Environmental Determination
B. Section 65402(a) Review for General Plan consistency of street and alley abandonments of Franklin Villa (P91-029)

SUMMARY: The applicant (City of Sacramento) is requesting to abandon all the public streets and alleys within Franklin Villa, a multiple family housing complex, in order to increase the safety within the area.

PROJECT INFORMATION:

General Plan Designation: Medium Density Residential (16-29 du/na)
South Sacramento Community Plan Designation: Residential (11-29 du/na)
Existing Zoning of Site: R-3
Existing Land Use of Site: Multiple Family (Townhouses and Four-plexes)

Surrounding Land Use and Zoning:

North: Residential; A
South: Residential; R-1A
East: Residential; County
West: Residential; R-1

BACKGROUND INFORMATION: On January 15, 1991, the Planning Director approved a variance to increase the fence height from six feet to seven feet to allow wrought iron fencing to encircle the multiple family housing complex. Subsequently, the City Council approved an encroachment permit allowing the fence to be within the City right-of-way.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 0.4± acres developed with approximately 1,000 condominium units (townhouse and four-plex structures). This housing complex is known as Franklin Villa. The project contains several public streets and alleys. The General Plan designates the site Medium Density Residential (16-29 du/na). The South Sacramento Community Plan designates the site Residential (11-29 du/na). The surrounding land use is all residential. The surrounding zoning includes A to the north, R-1A to the south, County to the east, and R-1 to the west.

B. Proposal

The City of Sacramento is requesting an abandonment of the public

APPLC.NO. P91-029

MEETING DATE April 11, 1991

ITEM NO. 19

Planning Commission
Sacramento, California

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APPLC.NO. P91-029

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ITEM NO. 19

streets and alleys within this development. The request was proposed by the Police Department in an attempt to control the crime problems within the area. The Police feel that the street and alley abandonments, in conjunction with the enclosing of the complex with wrought iron fencing, will greatly improve the safety in the area. The proposal includes staffed control booths at designated entrances and exits to the complex, and one unstaffed electronic gate as an exit only. The proposed control booth locations are shown on Exhibit A. Once the streets and alleys are abandoned, they revert back to ownership by the adjacent property owners and will be maintained by the existing Homeowner's Associations. The legal description of the streets to be abandoned is attached Exhibit B.

C. General/Community Plan Consistency

California Government Code, Section 65402(a), requires the City Planning Commission to make a finding of general and community plan consistency with regard to the proposed street and alley abandonments. Staff has reviewed the proposed abandonment for consistency with the City's General Plan and South Sacramento Community Plan. The subject abandonment is consistent with both plans.

D. Review Guidelines for Street Closures

Staff has reviewed the proposed abandonment for consistency with the City's Review Guidelines For Street Closures (Exhibit C) and has found that the subject request is consistent with the guidelines. The proposed abandonment will not eliminate public street access for adjacent lots nor will it result in the disruption of land uses neighboring the subject site.

E. Agency Comments

The proposed project was reviewed by City Utilities Planning Division, City Electrical Design Engineering, City Traffic Engineering, City Fire Department, City Police Department, Pacific Bell, Pacific Gas and Electric, SMUD, and Sacramento Cable Television. The following comments were received:

City Utilities Planning Division

1. The Water Division has no objections to the proposed abandonment provided the existing rights-of-ways be retained as easements for existing water mains and facilities.
2. Building fences, gates or other obstructions shall not be constructed upon the easement.
3. Water Division Personnel shall have unrestricted access to the easement at all times.

City Electrical Design Engineering

No objection to the proposed abandonment provided the existing street lighting system be revised prior to approval of the abandonment.

City Traffic Engineering

No objection to the proposed abandonment provided all gates be placed a minimum of 20 feet behind the right-of-way.

City Fire Department

No objection to the proposed abandonment provided all gates, locks, and fencing must be approved by the Fire Department prior to installation. All alleys and streets must be maintained as Fire Lanes as provided by the Uniform Fire Code. All hydrants must be unobstructed as provided by the Uniform Fire Code.

City Police Department

No objection to the proposed abandonment. The exhibit shows one control booth at Casalli Circle and El Mango and an "exit only" gate at G Parkway and El Mango. The Police Department will not oppose the "exit only" gate if it is a vehicle exit gate that is tripped from within the complex (South of G Parkway). This should to be a pedestrian gate.

Pacific Bell

Pacific Bell has existing aerial and underground facilities within the streets proposed to be abandoned. We request the following reservation be included in the resolution of abandonment:

"EXCEPTING AND RESERVING THEREFROM PURSUANT TO THE PROVISIONS OF Section 8340 of the Street and Highways Code and for the benefit of Pacific Bell, the permanent easement and the right at any time or from time to time to construct, maintain, operated, replace, remove, renew and enlarge lines of pipe, conduits, cable wires, poles and other convenient structures, equipment and fixtures for the operation of telegraphic and telephone lines and other communication facilities, including access and the right to keep the property free from inflammable materials and wood growth, and otherwise protect the same from all hazards, in, upon, over and across that portion of proposed streets to be abandoned."

Pacific Gas & Electric Company

PG&E has gas facilities in the subject area and has no objection to the proposed abandonment provided a Reservation Clause is inserted to protect the existing facilities in the area.

"Reserving, however, to Pacific Gas and Electric Company the right from

time to time to install, maintain, repair, operate, replace, remove and renew such underground pipes, fixtures and appurtenances for the operation of gas facilities within said area."

SMUD

This District is presently occupying said streets and alleys with underground electric power facilities. However, provided the usual "continuing-use" clause as cited in the State of California Streets and Highways Code is incorporated in the abandonment ordinance, reserving all rights for the District to construct, reconstruct, operate and maintain all electrical facilities, we will not object to the abandonment.

Sacramento Cable Television

No objection to the proposed abandonment provided an easement be retained.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated the following mandatory mitigation measures into the project plans to avoid identified effects of to mitigate such effects to a point where clearly no significant effects will occur.

- A. If, during construction or grading, tree roots 3" in diameter or greater are encountered, work shall stop immediately and the City Arborist shall be contacted for a root inspection (# (916)449-5304). There is a concern with the root disturbance that is going to occur, and how it will impact the health of the tree. If a large number of roots, as determined by the Arborist, require cutting, the tree will then have to be evaluated for possible removal. If tree removal is deemed necessary, the developer/applicant shall provide a replacement tree (1:1 ratio), 15-gallon minimum size, of a species subject to approval by the City Arborist. The replacement tree(s) shall be planted per the City Arborist's recommendations regarding time and location.
- B. Plans submitted to the Building Division, Permit Services, shall require written documentation from the City's Police and Fire Departments stating that the proposed locks and gates meet their approval.

Non-compliance with, or deletion of any of the above mitigation measures by any party will require the project to be reprocessed for additional environmental review. If this review determines that there is the possibility for significant adverse environmental impact due to the development of the project, additional mitigation measures may be required, or the applicant may be requested to prepare an Environmental Impact Report if identified impacts cannot be reduced to less than a significant level

EXHIBIT - B

LEGAL DESCRIPTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

The public right-of-way located in the City of Sacramento, County of Sacramento, State of California and specifically described below are hereby ordered vacated:

All that portion of La Pera Court and all the alleys therein, and all that portion of La Fresa Court from the north right-of-way line of "G" Parkway to its northerly terminus (see attached map) as shown on the official "Plat of Franklin Villa Estates Unit No. 1", recorded in the office of the County Recorder, Sacramento, California in Book 83 of Maps, Map No. 5.

All that portion of El Limon Court, Caselli Circle, La Sandia Way, and all the alleys therein and all that portion of El Mango Way from the southerly right-of-way line of "G" Parkway to its southerly terminus (see attached map) as shown on the official "Plat of Franklin Villa Estates Unit No. 2", recorded in the office of the County Recorder, Sacramento, California in Book 85 of Maps, Map No. 4.

All that portion of La Sandia Way, El Mango Way, and all the alleys therein, and all that portion of Caselli Circle from the southwesterly right-of-way line of Franklin Boulevard to its northerly terminus as shown on Franklin Villa Estates No. 2-A, recorded in the office of the County Recorder, Sacramento, California, in Book 86 of Maps, Map No. 2.

All that portion of El Mango Way from the northerly right-of-way line of Meadowview Road to the southerly right-of-way line of Caselli Circle as shown on the Map, more particularly described as follows:

All that portion of Lot "Z" as said Lot is shown on the official "Plat of Meadow View Colony", recorded in the office of the Recorder of Sacramento County in Book 10 of Maps, Map No. 36, described as follows:

BEGINNING at a point of marking the intersection of the southerly boundary of "Franklin Villa Estates Unit No. 2", the official Plat of which is recorded in the office of said Recorder in Book 85 of Maps, Map No. 4, with the centerline of El Mango Circle; thence from said point of beginning, north 16° 35' 35" west 5.67 feet; thence north 73° 24' 25" east 27.00 feet; thence south 16° 35' 35" east 5.67 feet; thence curving to the right on an arc of 427.00 feet radius, said arc being subtended by a chord bearing south 07° 46' 29" west 352.35 feet; thence curving to the left on an arc of 373.00 feet radius, said arc being subtended by a chord bearing south 13° 34' 11" west 237.61 feet; thence south 05° 00' 10" east 46.37 feet; thence curving to the left on an arc of 25.00 feet radius, said arc being subtended by a chord bearing south 50° 16' 19" East 35.52 feet; thence curving to the right on an arc of 5560.00 feet radius, said arc being subtended by a chord bearing south 84° 43' 41" west 52.24 feet; thence north 05° 00' 10" west 71.61 feet; thence curving to the right on an arc of 400.00 feet radius, said arc being subtended by a chord bearing north 13° 34' 11" east 254.81 feet; thence curving to the left on an arc of 400.00 feet radius, said arc being subtended by a chord bearing north 07° 46' 29" east 330.07 feet to the point of beginning.

RESERVING, the right-of-entry to repair, maintain and construct sewer, water and gas pipes and aerial or underground power, telephone and other communication facilities now in place in said streets and alleys as described above, or which from time to time may be placed therein.

ALSO RESERVING, to the City of Sacramento, the right of ingress and egress for emergency vehicles over said streets as described above.

All proceedings in connection with the aforesaid abandonment are to be taken subject to such reservations and exceptions.

ATTEST:

MAYOR

CITY CLERK

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01.2991.1

P 91 029

April 11, 1991

Item # 19

EXHIBIT - C

July 20, 1982

REVIEW GUIDELINES FOR STREET CLOSURES

WHEREAS, the following listing represents review guidelines which the City of Sacramento City Council and staff will consider in evaluating the merits of a proposed street closure;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sacramento that the following review guidelines will be applicable to all street closure proposals within the City of Sacramento:

- 1) Designated major and minor streets should not be the subject of a proposed street closure.
- 2) Local streets which provide a through connection between two adjacent, intersecting major or minor streets should not be closed. (Evaluated on a block-by-block basis.)
- 3) Local streets should not be closed merely to provide additional acreage for building development.
- 4) Approval of local street closures should be dependent upon a finding of substantial benefit for the community planning area affected.
- 5) The closure of a local street should be supported by a majority of the property owners and tenants of the uses located along the affected block and within 300 feet from the street being closed.
- 6) When considering local street closures, consideration should be given to the impacts on the following areas:
 - (a) Elimination of public street access for the land uses located along the affected block.
 - (b) Disruption to land use along parallel, or intersecting adjacent streets.
 - (c) Elimination or modification of existing bus route patterns.
 - (d) Significant increases in emergency response times for uses along the affected street as well as in the surrounding area.
 - (e) Reduction of the ability to provide fire protection to the affected block(s) and surrounding area.
 - (f) Increases or decreases in the level of parking along adjacent residential streets.
- 7) Local street closures within predominately residential areas should only occur for purposes of creating new landscaped, open space or park facilities.
- 8) Local street closures for parking purposes should be considered only if viable alternatives, including administrative remedies, for providing needed parking supplies are unavailable.
- 9) If local street closures for parking purposes are approved, the design of the abandoned street should incorporate measures to enhance pedestrian and bicycle access and should be landscaped to significantly improve and unify the appearance of the closed street where appropriate.
- 10) If a local street closure is approved, the City should consider, where appropriate, requesting the project proponent to construct public or private improvements reasonably related to community needs created by the street closure. Such improvements project may include utility relocations, construction of a new parallel street, street lighting, landscaping, pedestrian amenities, or other appropriate facilities.

APPROVED
BY THE CITY COUNCIL

MAYOR _____

ATTEST:

JUL 20 1982

CLERK OF THE
CITY CLERK

CITY CLERK _____

P91-029

April 11, 1991

Item # 19

CITY OF SACRAMENTO
CITY PLANNING DIVISION

APR 05 1991

RECEIVED

April 3, 1991

Cindy Gnos
Department of Planning and Development
City of Sacramento
1231 "I" Street
Sacramento, California 95814

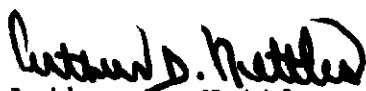
Re: Proposed Project P91-029

Dear Ms. Gnos:

Enclosed are the materials, prepared by the The Franklin Villa Committee, which were promised you. The committee's concerns/opposition are therein stated.

If you should have any questions, please contact any one of the committee officers/candidates listed on page three of the cover memorandum.

Sincerely,



Arthur D. Nettles, Secretary
The Franklin Villa Committee

Enclosures: (Cover memorandum with attachments)

cc: Committee Officers/Candidates

P91-029

April 11, 1991

Mem # 19

April 3, 1991

The Honorable Anne Rudin
Mayor, City of Sacramento
Mayor's Office, City Hall
Sacramento, California 95814

Re: P91-029 (Street and Alley Abandonments of Franklin
Villa)

Dear Mayor Rudin:

Enclosed is a copy of The Franklin Villa Committee memorandum, dated March 30, 1991, with attachments. We refer you to Attachment 5B.

The committee request that the city give further consideration to the concerns of the owner-majority. It is logically believed that street and alley abandonment will leave the owners and tenants of Franklin Villa Estates with governmental taxation without city services, such as, fire, police, sewer, storm drainage, fire hydrant and street maintenance and repair.

Since the property, or a significant portion thereof, is in the flood plain, this does not appear to be ample justification for city abandonment of Franklin Villa.

If further information and/or discussion of this issue is needed, please have your office contact any one of the committee officers/candidates listed on page three of the memorandum.

Sincerely,



Arthur D. Nettles, Secretary
The Franklin Villa Committee

Enclosure

cc: Honorable Terry Kastanis
Member, City Council (w/att)

Honorable John P. Kearns
Chief of Police (w/att)

FV Committee Officers/Candidates

DATE: March 30, 1991

TO: Members, (owners/property managers)
The Franklin Villa Committee

Potential Members, (owners/property managers/
limited partners/investors)
Franklin Villa Estates, 2B HOA

FROM: The Franklin Villa Committee

SUBJECT: Calling Special Meeting by Members (Article V, Section
3(b) Restated Bylaws, Franklin Villa Estates, 2B
Homeowners Association (hereinafter, Res Bylaws FVE, 2B
HOA) for:

- 1) Removal of the existing directors (Article IV,
Section 5(c)(I) Res Bylaws FVE, 2B HOA; and,
- 2) Filling of the vacancies on the Board of Directors
with FVE, 2B HOA Members (Article IV, Section 5
(c)(ii) Res Bylaws, FVE, 2B HOA: Wilbur Beckwith,
Bruce Doherty, Daniel Herrera, Kim LaRock, Arthur
Nettles and Mary Smith (See Attachment 5 -
candidates' statements.)

Justification for Recall

- 1) Mismanagement of the association
 - a. Notwithstanding an annual budget of \$400,000,
the association, has not and will not in 1991
fund the reserve account(s) for replacements,
such as, roofs, hot water heaters and other
such expensive items. The absence of reserves
will necessitate the Board of Directors, at some
future date, levying a very large assessment, or
possibly several assessments. Many individual
owners may be unable to pay the assessment(s).
Because of the devaluation of the property,
apparently due in large measure to this board and
the previous board engaging in negative propa-
ganda in attempts to secure public funds and/or
governmental approval for privatization, securing
a sufficient loan could prove extremely difficult.
The more plausible scenario could be foreclosure
by the association for non-payment of the special/
special individual/emergency assessment(s) and
disposal of the property by the Board of Directors.

b. Administration Expense/Administration Payroll consumes nearly one-quarter (22 1/2 %) of the association's total annual income. Security accounts for an additional 12 percent. Administration/security appears to consume better than one-third (33 1/3 %) of the total annual budget. Payment of the Workers' Compensation Insurance takes another \$2,500.

Taken as a whole, administration/security and workers' comp cost \$143,440, or 37 percent of the total annual income of the association.

Total 1991 expenses (\$426,840) are anticipated to exceed total annual income (\$400,840) by \$26,000, the exact amount of the proposed reserve. This means that at the end of the year the association will have a deficit of \$26,000. Why? (See Article III, Section 10(a) Restated CC & Rs). Is it reasonable to believe that deficit spending is an indicator of good management? Such continued irresponsibility is subject to result in the need for special/special individual/emergency assessment(s) of property owners.

- c. Although FVE, 2B HOA is the largest (288 units) of the five associations, apportionment of the costs of goods and services between and among the various associations appears to work to the detriment of FVE, 2B HOA. Further, commingling has not been in the best interest of the owners/tenants of FVE, 2B HOA properties.
- d. Street abandonment (see Attachment 1 - 10/24/90 letter from acting President Carlson to the Sacramento City Planning Commission) appears to have been submitted without the vote or knowledge of the membership.
- e. The Board of Directors should be required by the owners to develop a statement of duties of the legal counsel to prevent conflict of interest and to prevent the Board of Directors from using association funds to fight the will of the owner-majority.

Committee Background

The Franklin Villa Committee is the outgrowth of a January 24, 1991 meeting of concerned owners/property managers. A subsequent meeting was held on February 20, 1991. (See Attachments 2 & 3 - 2/20/91 and 2/23/91 minutes.)

Mr. Eugene Shy, Member, Board of Directors Franklin Villa Estates, 2B HOA was in attendance at the 2/20/91 meeting. At the February 27, 1991 Board of Directors Meeting he handed written ultimatums to Mrs. Kim LaRock, Chair and Mr. Arthur Nettles, Secretary, Franklin Villa Committee. (See Attachment 4 - 2/21/91 disclosure demand from Director Shy.)

Plea for Aid

Your interest, involvement and support are vital to the success of this endeavor. Removal of the old Board of Directors; and, installation of the candidates as directors of the new Board will, restore a sound financial management and improved relations between the Board and owners/tenants.

We are asking you to sign the enclosed proxy because Article V, Sec 4(b) Res Bylaws require that the nature of the proposal be stated in the proxy.

Please read the statements of the candidates, complete, sign and return the Attachment 6 - PROXY. For your proxy to remain valid, the Franklin Villa Committee request that you not execute another prior to the installation of the new Board of Directors.

If you have any questions or desire further information, please contact any one of the following committee officers:

Wilbur Beckwith (916) 427-5440
Bruce Doherty (916) 424-3962
Daniel Herrera (916) 429-6189
Kim LaRock (916) 689-2583
Arthur Nettles (916) 428-0540
Mary Smith (916) 422-1817

The Franklin Villa Committee Members feel that it is time for the owners to take control of our association/community and not be subjected to the rule and domination of two or three individuals.

It is time that we make this community a safe and decent place to own property and to live. This association has been burden with mismanagement for the past several years. It is time for a change. While property in other parts of the city continue to appreciate, the property in our area has continued to depreciate, mainly due to the negative element in the area and mismanagement. With your support and assistance we feel that the/a new board of directors can make a difference.

Again, your continued support and active involvement is appreciated. The committee officers request and need your proxy to make a difference.

Sincerely,

Atchewitt

Daniel Herrera

Maryl Smith

Kimberly LaRock

Intunel D. Nattles

B. E. Doherty

Candidates/Officers
The Franklin Villa Committee

Attachments (1 through 6)

Attachment 1

Franklin Hills Homeowners Association
1111 J Street #200
Sacramento, CA 95814

To: City Planning Commission
1111 J Street #200
Sacramento, CA 95814

October 24, 1998

Attn: Wilfred Keithen

Subject: Street abandonment for El Mango, La Fresa, La Pera,
El Lino, La Serola and Casselli Circle.

Dear Commissioners:

We represent the owners of condominiums at Franklin Hills
Reference No. 23-400 as their Board of Directors.

We have no objection to the proposed street abandonments for
the above streets.

If you have any questions, please contact Bob Carlson at 916-441-3805.

Enclosed is a check for our share of the \$275.00 fee.

Sincerely,

Bob Carlson

Acting President

Meeting
FRANKLIN VILLA COMMITTEE
Franklin Villa Estates, 2B HOA DBA
Morrison Creek Terrace HOA/PM

Faith Community Church of Christ
7486 Center Parkway
South Sacramento
Wednesday, February 20, 1991

MINUTES

Present

Kim LaRock
Dan Herrera
Arthur Nettles
Mark Slater

See attached attendance sheet for owners and owner representatives in attendance.

Opening

Kim LaRock opened the meeting at 7:07 p.m. She welcomed those in attendance and expressed her appreciation for their having taken the time to come to the meeting.

Kim informed the attendees that the initial meeting of concerned owners had been held at 9656 Sheldon Avenue, Elk Grove on the evening of Thursday, January 24, 1991. Further, that the meeting had produced:

1. A Franklin Villa Committee nucleus; and,
2. A prioritized list of concerns of owners.

Mrs. LaRock related that the prioritized list of concerns were agenda items listed in the notice of this meeting. Briefly, she stated that security, fines, lack of errors and omissions insurance, lack of an annual audit, accounting office operations, work force costs and the apportionment of costs between and among the various homeowner associations were some of the concerns expressed.

Program

Kim introduced Mr. Morrow, former property manager of Franklin Villa, 2B. He emphasized that the violation procedure is flawed and that when he consistently expressed this concern to the board of directors

he was fired. He stated his termination was not due to poor performance but rather to his unwillingness to stand by and see the board of directors violate the civil rights of tenants (example -10:00 p.m. curfew). He retired from the United States Marine Corps and the Glendale Police Department, with honors.

He expressed concern over the ways the board violates the rights of tenants and owners. He admonished the committee to recapture this out-of-control board of directors.

Mrs. LaRock thanked him, and then called Mr. Robert Maden, the most recently fired, former general manager of 2A and 2B to share his experiences/concerns. Mr. Maden said, although his job description required him to supervise the accounting office operations, he was fired for attempting to do so.

He, too, emphasized the need for the owners to recapture the recalcitrant board of directors.

Break

During the break copies of the Keminski letter of 11/28/90 regarding delinquency in payment of State franchise taxes for FVE, 2B HOA were distributed. In addition, copies of the Attorney Curtis Sproul letter of 2/4/91 to Mr. Robert S. Carlson, President/Treasurer, FVE, 2B were distributed. The letter advised Mr. Carlson to provide Mrs. LaRock the assessment roll(s) for FVE, 2B HOA which he had denied her. Mr. Sproul wrote that Mr. Carlson had no legal basis to deny her the roll(s) she had requested earlier.

Resumption

Following the break (approximately 8:15 p.m.) the meeting resumed. Mr. Ken Ching informed the attendees of some of the costs associated with this endeavor, such as, postage, rental of meeting sites, reproduction of materials, refreshments, etc. He asked that the owners defray these costs.

It was moved, seconded and carried, that the owners would contribute \$10.00 per unit to the Franklin Villa Committee Trust. This money is to be used for mailings, meetings room costs and other necessities in the committee's attempt to recall the existing board of directors. Mr. Ching then asked Mr. Eugene Shy, Member, FVE, 2B Board of Directors, if he would resign if this committee obtained the required number of proxies and requested his resignation? Mr. Shy replied, yes. Mrs. Shy made a passionate plea in behalf of the integrity of the current board of directors.

Nominations

Kim LaRock asked for the names of those interested in becoming committee officers. The following persons were approved by the full committee for either officer or advisor:

Officer

Kim LaRock
Wilbur Beckwith
Bruce Doherty
Liz Limon
Art Nettles
Anita Petersen

Advisor/Alternate

Ken Ching
Dan Herrera

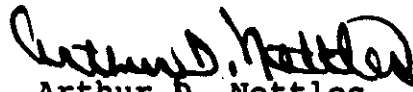
Close

Mrs. LaRock thanked all for coming and those who provided suggestions. She assured the committee members that the committee officers would maintain communications with each of them. The officers/advisor were asked to stay after adjournment to establish a meeting date and to discuss establishment of the trust fund.

There being no further business, the meeting was concluded.

Adjournment

The meeting was adjourned at 10:00 p.m.


Arthur D. Nettles
Member/Recorder

Attachment

Meeting
FRANKLIN VILLA COMMITTEE
(OFFICERS)
Franklin Villa Estates, 2B HOA DBA
Morrison Creek Terrace HOA/PM

86 Caselli Circle No. 3
South Sacramento
Saturday, February 23, 1991

MINUTES

PRESENT

Wilbur Beckwith
Kim LaRock
Liz Limon
Art Nettles
Karen Saetes-Sutton

ABSENT

Ken Ching
Bruce Doherty
Dan Herrera
Anita Peterson

Opening

Since the above named officers had not been elected to specific offices, the group agreed to have Kim LaRock shepard the meeting until such time as a chair was elected. Mrs. LaRock thanked Mr. Beckwith for providing the meeting place, and the others for having come.

Election to Offices

Elections were conducted by the officers present. Officers were elected to the following offices:

Kim LaRock, Chair
Wilbur Beckwith, Vice Chair
Liz Limon, Treasurer
Arthur Nettles, Secretary

Mrs. LaRock then thanked the officers for electing her Chair. She assured them that she would do her very best to provide the leadership necessary to recapture the Franklin Villa Estates, 2B Homeowners Association (hereinafter, FVE, 2B HOA) Board of Directors, and to institute equality of treatment of all owners and tenants.

The Chair then turned over the committee funds to the treasurer with instructions to: (1) open the Franklin Villa Committee Trust Fund; (2) deposit the funds in the account; and, (3) pay, via trust fund checks, committee expenses (meeting site rental fee, postage and reproduction of information/meeting notices mailed to owners).

Mr. Nettles, Secretary, reiterated that the funds are to be used for mailings, meeting site rental and other necessities in the committee's efforts to recall the current FVE, 2B HOA Board of Directors.

Assignments

1. The Chair instructed Mrs. Karen Saetes-Sutton to prepare the mailing labels for all of the owners/property managers of FVE, 2B units;
2. Ms. Limon, Treasurer, was instructed to follow-up on the unpaid pledgers and to contact those owners/property managers who have not yet pledged;
3. Mr. Nettles, Secretary, is to prepare a letter for distribution to the committee and FVE, 2B owners/property managers who as yet are not committee members. The letter should be ready for mailing by March 7, 1991; and,
4. Mr. Beckwith, Vice Chair, was asked to: (1) research the status of the "Street Abandonment for El Mango, La Fresa, La Pera, El Limon, La Sandia and Caselli Circle; (2) determine the authority of Messrs Robert Carlson and Eugene Shy to submit a check (funds from FVE, 2B HOA) for "....our share of the \$625.00 fee." Signed: Bob Carlson, Acting President Franklin Villa Estates No. 2B Homeowners Association; and, (3) obtain information as to the HOA's liability, should this become a reality.

The Chair stated that she contacted Councilman Terry Kastanis and informed him that Mr. Carlson does not appear to have the approval of the FVE, 2B owners/property managers to authorize street abandonment. Mr. Kastanis, replied to the effect, Bob just does like he wants. Mr. Kastanis did not appear to consider this a serious concern.

Mrs. LaRock instructed the secretary to also include the names and background statements of nominees for directors in the correspondence outlined in number 3, above. She further encouraged the officers to attend the February 27, 1991 FVE, 2B HOA Board of Directors' meeting.

There being no further business, the meeting was concluded.

Adjournment

The meeting was adjourned at 4:05 p.m.


Arthur D. Nettles
Secretary/Recorder

Attachment/October 24, 1990 letter
(Bob Carlson, Acting President
FVE, 2B HOA)

Attachment 4

PO Box 60265
Sacramento, CA 95860
February 21, 1991


Arthur D. Nettles, Owner
7650 Tattershall Way
Sacramento, CA 95823

The following is in preparation for and pursuit of litigation.

At the Franklin Villa Committee Meeting at the Faith Community Church of God, 7496 Center Parkway, Sacramento, CA on Wednesday evening, February 20, 1991; you among others were identified as a Committee Member responsible for the meeting. At the meeting, the following was stated by Committee Members or their chosen speakers:

1. Susan Kaufman Smith then President and Director of Franklin Villa Estates, aka Morrison Creek Terrace, purchased the commercial building sold by Franklin Villa Estates 2B during December 1989 and January 1990.
2. Robert Carlson, Director of Franklin Villa Estates 2B, aka Morrison Creek Terrace, is not paying Association dues on properties he owns in the Association, nor is he being assessed late charges or interest.

I demand to know the basis of the above two statements, the names of the persons originating the statements, and the names of the Franklin Villa Committee Members no later than March 10, 1991.


Eugene R. Shy, Director
Franklin Villa Estates 2B
aka Morrison Creek Terrace

CANDIDATES' STATEMENT

Wilbur Beckwith
Administrator
Property owner in Franklin Villa Estates, 2B for approximately
13 years.

Bruce Doherty
United Airways
Property owner in Franklin Villa Estates, 2B for approximately
15 years.

Daniel Herrera
Laser Printer Operator
Property owner in Franklin Villa Estates, 2B for approximately
1 1/2 years. Dan and his wife are owner occupants.

Kim LaRock
Self-Employed
Property owner in Franklin Villa Estates, 2B for approximately
6 months.

Arthur Nettles
Retired Administrator
Property owner in Franklin Villa Estates, 2B for approximately
13 years.

Mary Smith
Licensed Vocational Nurse
Property owner in Franklin Villa Estates, 2B for approximately
2 1/2 years.

We, the candidates for the Board of Directors, Franklin Villa Estates, 2B Homeowners Association DBA Morrison Creek Terrace, do promise our collective concern and united efforts will be on; 1) improving the quality of life in the community; 2) making the community a better place to live and to own property; 3) sound management of the properties; 4) assuring homeowners a voice in the decision-making; 5) increasing the value of the property by eliminating the negative elements in the area; and, 6) proper and timely maintenance and sound fiscal management.

ROBERT J. MADEN

4248 GOODVIEW WAY
SACRAMENTO, CA. 95823
916 393 8399

March 19, 1991

**Re: FRANKLIN VILLA ESTATES UNITS 2-A and 2-B,
BOB CARLSON SELF PROCLAIMED PRESIDENT-TREASURER AND REPRESENTATIVE.**

I bring with me proof that Bob Carlson has cheated the association of thousands of dollars. Even the executed RESIGNATION and his immediate refusal to honor it and pay me in accordance to the Resignation and my Employment Agreement, are specific proof that he is a liar and not to be trusted in any of his actions.

With his full knowledge, the Associations were suspended for non-payment of Franchise taxes. One for as long as three years. During this period of time he continued to operate the associations in an illegal manner in violation of the Corporate Statutes governing Home Owners Associations. When I brought this condition to the attention of the owners, Bob Carlson did not cure the problem in a timely manner despite a letter from the Association Attorney informing him of the gravity of the violations. The letter specifically states, " there is a rule precluding the suspended corporations from instituting or defending lawsuits during the period of suspension".

My knowledge of his activities is the only reason for his attempt to represent my RESIGNATION as his action to fire me.

With his full knowledge and cooperation the owners and tenants have been fined for unsubstantiated infractions of the Rules and Regulations. The black population has been herded around like animals for merely being outside their dwelling and with no other fault. They have even been fined for others standing outside their homes. I have been warned by the South Sacramento Police (Capt. Barnes) that this is a violation of their Civil Rights and the police did not dare to back us up on such activities.

Bob Carlson by subversion and force has taken complete control of the accounting office and system. Even to the point of putting a former employee in charge, paying her well over the going rate and instructing her to let no one have access to the books and reports.

The owners, and the General Manager (whose Employment Contract put him in charge of the Accounting procedure), have been denied access to the books and records. The owners have not been given meaningful financial reports, there were no audits performed for three years, owners were denied reports when asking for them. The Association meetings were not only conducted while the associations were suspended but were not conducted in the format as required by the Corporation Commission.

I SUBMIT THAT I RESIGNED WHEN IT BECAME APPARENT THAT I COULD NOT ASSOCIATE MYSELF WITH SUCH ILLEGAL AND UNETHICAL TREATMENT OF THE ASSOCIATION, THE OWNERS AND THE RENTERS. I HAVE A RESIGNATION AGREEMENT SIGNED BY BOB CARLSON AND GENE SHY, WHO BOTH PURPORTED TO BE OFFICERS OF THE ASSOCIATIONS.

I FURTHER SUBMIT THAT THE OWNERS ARE IN THE PROCESS OF REMOVING THE PRESENT " UNELECTED BOARD OF DIRECTORS", AND REPLACING THEM BY A BOARD PUT IN POWER BY "POPULAR ELECTION"



Attachment 5B

CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 I Street

Sacramento, Ca. 95814

Administrat.
Room 300 449-
Building Inspection
Room 200 449-5716
Planning
Room 200 449-5604

PUBLIC NOTICE

Date: March 26, 1991

Dear Property Owner:

The Planning Division is notifying all owners of property within 300' of the proposed project (described below) that the Sacramento City Planning Commission will consider this proposal at a public hearing scheduled to begin at 5:30 P.M. in room 102, first floor, 1231 I Street, Sacramento, California on April 11, 1991.

The proposed project is:

P91-029 Section 65402(a) Review for General Plan consistency of street and alley abandonments of Franklin Villa. Loc.: Franklin Villa APN: Book 49, pages 28 to 35

The City Environmental Coordinator has determined that the proposed project will not have a significant adverse impact on the environment and has prepared a negative declaration. A copy of the negative declaration may be reviewed or obtained at the Planning Division, 1231 I Street, room 300, Sacramento, California. Any appeal of the decision to prepare the negative declaration must be filed with the Sacramento City Planning Division before 5:00 P.M. on April 11, 1991.

If you challenge the above requested entitlements in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

If you have any concerns, questions or objections, or need further information, please contact Cindy Gnos or Sandra Yope at the City Planning Division, 449-5604, and please refer to the above 'P' or 'M' number.

March 28, 1991

NOTICE

NOTICE

NOTICE

URGENT! "Owners", please plan to attend the Franklin Villa Street and Alley Abandonment Hearing at the Prince of Peace Church, 7501 Franklin Blvd., (916 422-2350) on Monday, April 8, 1991, 7:00 P.M. Sacramento City Officials (including Sergeant Steven Segura, Sacramento Police Department) will be present to explain to the owners the liabilities they would assume, if the proposed street/alley closure is approved. Also, please, reserve April 11, 1991, 5:30 P.M. on your calendar for the meeting in room 102, 1231 I Street, Sacramento.

The Franklin Villa Committee

Attachment 6

FRANKLIN VILLA COMMITTEE
FVE, 2B HOA DBA MCT HOA/PM
9656 Sheldon Avenue
Elk Grove, CA 95624

PROXY VOTE FOR ____ UNIT(S)

This proxy supersedes any dated prior to _____
Mo Day Yr

I, _____ own a unit(s)

Print First, Middle Initial, Last Name
Franklin Villa Estates, 2B and hereby assign my vote(s) to the
Franklin Villa Committee in calling a special meeting by members
for removal of the existing directors and filling of the
vacancies.

Signature Date

Please list the address of each property on a separate line
below:

streets and alleys within this development. The request was proposed by the Police Department in an attempt to control the crime problems within the area. The Police feel that the street and alley abandonments, in conjunction with the enclosing of the complex with wrought iron fencing, will greatly improve the safety in the area. The proposal includes staffed control booths at designated entrances and exits to the complex, and one unstaffed electronic gate as an exit only. The proposed control booth locations are shown on Exhibit A. Once the streets and alleys are abandoned, they revert back to ownership by the adjacent property owners and will be maintained by the existing Homeowner's Associations. The legal description of the streets to be abandoned is attached Exhibit B.

C. General/Community Plan Consistency

California Government Code, Section 65402(a), requires the City Planning Commission to make a finding of general and community plan consistency with regard to the proposed street and alley abandonments. Staff has reviewed the proposed abandonment for consistency with the City's General Plan and South Sacramento Community Plan. The subject abandonment is consistent with both plans.

D. Review Guidelines for Street Closures

Staff has reviewed the proposed abandonment for consistency with the City's Review Guidelines For Street Closures (Exhibit C) and has found that the subject request is consistent with the guidelines. The proposed abandonment will not eliminate public street access for adjacent lots nor will it result in the disruption of land uses neighboring the subject site.

E. Agency Comments

The proposed project was reviewed by City Utilities Planning Division, City Electrical Design Engineering, City Traffic Engineering, City Fire Department, City Police Department, Pacific Bell, Pacific Gas and Electric, SMUD, and Sacramento Cable Television. The following comments were received:

City Utilities Planning Division

1. The Water Division has no objections to the proposed abandonment provided the existing rights-of-ways be retained as easements for existing water mains and facilities.
2. Building fences, gates or other obstructions shall not be constructed upon the easement.
3. Water Division Personnel shall have unrestricted access to the easement at all times.

City Electrical Design Engineering

No objection to the proposed abandonment provided the existing street lighting system be revised prior to approval of the abandonment.

City Traffic Engineering

No objection to the proposed abandonment provided all gates be placed a minimum of 20 feet behind the right-of-way.

City Fire Department

No objection to the proposed abandonment provided all gates, locks, and fencing must be approved by the Fire Department prior to installation. All alleys and streets must be maintained as Fire Lanes as provided by the Uniform Fire Code. All hydrants must be unobstructed as provided by the Uniform Fire Code.

City Police Department

No objection to the proposed abandonment. The exhibit shows one control booth at Casalli Circle and El Mango and an "exit only" gate at G Parkway and El Mango. The Police Department will not oppose the "exit only" gate if it is a vehicle exit gate that is tripped from within the complex (South of G Parkway). This should to be a pedestrian gate.

Pacific Bell

Pacific Bell has existing aerial and underground facilities within the streets proposed to be abandoned. We request the following reservation be included in the resolution of abandonment:

"EXCEPTING AND RESERVING THEREFROM PURSUANT TO THE PROVISIONS OF Section 8340 of the Street and Highways Code and for the benefit of Pacific Bell, the permanent easement and the right at any time or from time to time to construct, maintain, operated, replace, remove, renew and enlarge lines of pipe, conduits, cable wires, poles and other convenient structures, equipment and fixtures for the operation of telegraphic and telephone lines and other communication facilities, including access and the right to keep the property free from inflammable materials and wood growth, and otherwise protect the same from all hazards, in, upon, over and across that portion of proposed streets to be abandoned."

Pacific Gas & Electric Company

PG&E has gas facilities in the subject area and has no objection to the proposed abandonment provided a Reservation Clause is inserted to protect the existing facilities in the area.

"Reserving, however, to Pacific Gas and Electric Company the right from

time to time to install, maintain, repair, operate, replace, remove and renew such underground pipes, fixtures and appurtenances for the operation of gas facilities within said area."

SMUD

This District is presently occupying said streets and alleys with underground electric power facilities. However, provided the usual "continuing-use" clause as cited in the State of California Streets and Highways Code is incorporated in the abandonment ordinance, reserving all rights for the District to construct, reconstruct, operate and maintain all electrical facilities, we will not object to the abandonment.

Sacramento Cable Television

No objection to the proposed abandonment provided an easement be retained.

ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated the following mandatory mitigation measures into the project plans to avoid identified effects of to mitigate such effects to a point where clearly no significant effects will occur.

- A. If, during construction or grading, tree roots 3" in diameter or greater are encountered, work shall stop immediately and the City Arborist shall be contacted for a root inspection (# (916)449-5304). There is a concern with the root disturbance that is going to occur, and how it will impact the health of the tree. If a large number of roots, as determined by the Arborist, require cutting, the tree will then have to be evaluated for possible removal. If tree removal is deemed necessary, the developer/applicant shall provide a replacement tree (1:1 ratio), 15-gallon minimum size, of a species subject to approval by the City Arborist. The replacement tree(s) shall be planted per the City Arborist's recommendations regarding time and location.
- B. Plans submitted to the Building Division, Permit Services, shall require written documentation from the City's Police and Fire Departments stating that the proposed locks and gates meet their approval.

Non-compliance with, or deletion of any of the above mitigation measures by any party will require the project to be reprocessed for additional environmental review. If this review determines that there is the possibility for significant adverse environmental impact due to the development of the project, additional mitigation measures may be required, or the applicant may be requested to prepare an Environmental Impact Report if identified impacts cannot be reduced to less than a significant level

through mitigation.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Ratify the Negative Declaration.
- B. Approval of the staff report and find the abandonment consistent with the Community Plan and forward the above agency comments to the City Council.

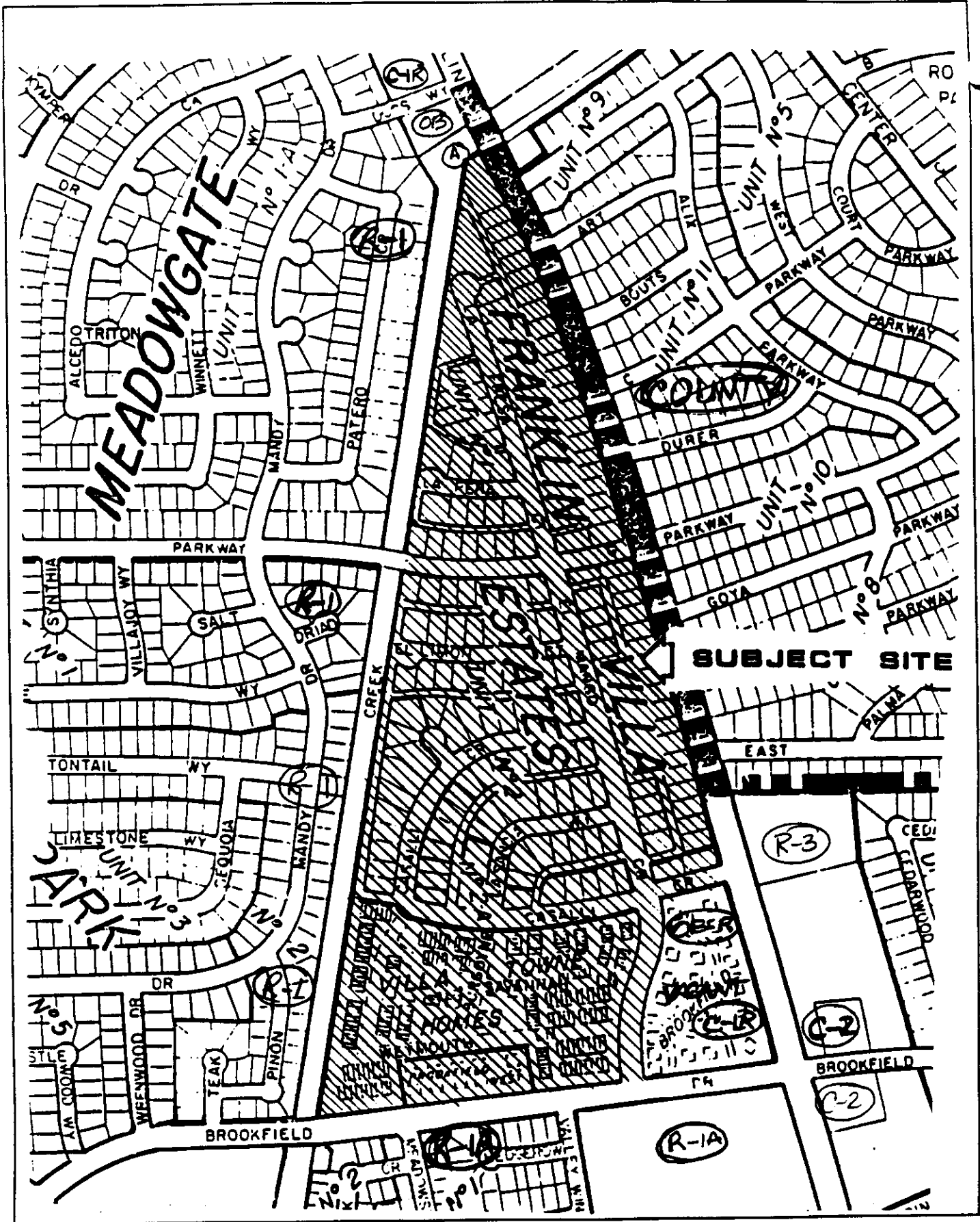
Respectfully Submitted,

Joy Patterson

Joy Patterson
Senior Planner

Report By:

Cindy Gnos
Assistant Planner



VICINITY, LAND USE & ZONING MAP