

RODDA and McMURTRY
Attorneys at law

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
DEC 11 4:37 PM '80

December 11, 1980

Mayor Phillip Isenberg
City Hall
915 I Street, Room 205
Sacramento, California 95814

Dear Mayor Isenberg:

On November 13, 1980, Mr Rusty Ertle, Vice President of the Cook Company, wrote you a letter requesting that he be given an opportunity to address the City Council concerning traffic problems at Fifty West, the office complex owned by the Cook Company and located at the northwest corner of Folsom Boulevard and Watt Avenue.

At the request of Councilman Connelly this matter was placed on the agenda of the December 9, 1980 City Council meeting. At my request the matter was continued to the December 16, 1980 meeting of the Council to permit an additional meeting to be held between our client and City staff concerning this problem. Such a meeting was held on December 11, 1980 and as a result of that meeting, City staff is presently studying an alternative means of providing traffic access to Fifty West which has been suggested by our client's engineers.

City staff has indicated it will take two to four weeks to complete the study of this alternative proposal. Accordingly, on behalf of my client I am requesting that the council hearing on this matter be held in abeyance pending the completion of

FILED
By the City Council
Office of the City Clerk
Withdrawn

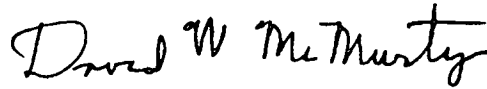
DEC 16 1980

Mayor Phillip Isenberg
December 11, 1980
Page Two

that staff study.


We wish to thank you on behalf of our client
for your assistance in this matter.

Very truly yours,



DAVID W. MCMURTRY

DWM:jw

cc: Councilman Connelly
City Engineer
City Manager
 City Clerk
City Attorney
Rusty Ertle
Dave Justice & Associates
Hilton Williams
Planning Director
Traffic Engineer

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RECEIVED
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CITY OF SACRAMENTO
DEC 4 1 08 PM '80

RODDA and McMURTRY
Attorneys at law

December 4, 1980

Lorraine Magana
City Clerk
City of Sacramento
915 "I" Street
Sacramento, California 95814

Re: Council Hearing Scheduled For December 9, 1980
On Eastbound Ingress And Egress At Fifty West

Dear Mrs. Magana:

On behalf of our client, The Cook Company, we hereby request that the Council Hearing on this matter scheduled for December 9, 1980, be continued until December 16, 1980. This continuance is being requested to permit City Staff and our clients to meet and discuss alternative solutions to this traffic problem.

Very truly yours,

David W. McMurry
DAVID W. McMURTRY

DWM:jw

cc: Mr. Rusty Ertle
Vice President
The Cook Company



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET

CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

November 17, 1980

Rusty Ertle
The Cook Company
2020 Hurley Way, Suite 405
Sacramento, CA 95825

Dear Mr. Ertle:

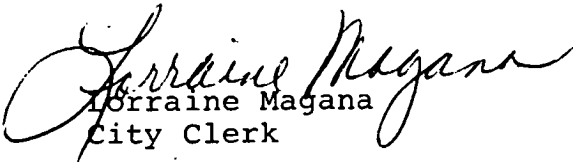
This is to confirm 7:30 p.m., Tuesday, December 9, 1980
as the date set to hear the following matter:

Eastbound ingress and egress at Fifty West,
located at the northwest corner of Folsom
Boulevard and Watt Avenue.

If you wish to submit additional written material, please
do so to this office by 5:00 p.m., Thursday, December 4,
1980. This will give the City Council time to review
your request.

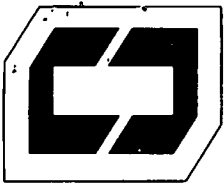
Please call me if you have any questions.

Sincerely,


Lorraine Magana
City Clerk

LM/mm

cc: Councilman Connelly
Mayor Isenberg
City Engineer
Planning Director
Traffic Engineer
City Manager



The Cook Company

2020 Hurley Way
Suite 405
Sacramento, CA 95825
PH 916/920-9000

~~WWS - wa~~
Traine - set in
some meeting in
December

RECEIVED
OFFICE OF THE MAYOR

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Investment Builders

November 13, 1980

Mayor Phillip Isenberg
City Hall
915 I Street, Room 205
Sacramento, California 95814

Dear Mr. Isenberg:

The purpose of this letter is to acquaint you with a very serious problem and to formally request you to place this problem on the City Council's agenda as quickly as is reasonably possible. The problem concerns eastbound ingress and egress at our newest project, Fifty West, located at the northwest corner of Folsom Boulevard and Watt Avenue. A brief history of the project and problem follows.

During the Spring of 1978, The Cook Company obtained control of the subject four acre property in an auction from the California Department of Transportation. We retained the Sacramento architectural firm of Forrar Williams to masterplan the site, design an office building and small free-standing financial building, and coordinate the City approval process. Hilton Williams, a principal of Forrar Williams, personally provided these services to The Cook Company.

During September, 1978, Williams began masterplanning the subject property. He met with officials of the City Planning and Traffic Departments to show and explain preliminary site plans of The Cook Company's development concept. Our plans generally met with the City's approval except for two issues: traffic circulation and the number of access points to Folsom Boulevard.

Our preliminary plan showed three access points along Folsom Boulevard and an internal traffic circulation designed to the three access points. Rick Dowling of Traffic, no longer a City employee, objected to both the number of access points and the associated circulation pattern. Dowling stated that Traffic would allow, on a temporary basis, only two access points and requested Williams to redesign the circulation pattern accordingly. Dowling further stated that the redesigned circulation pattern should be able to accommodate a future point of ingress and egress along our westerly property line to the adjacent property in lieu of our most easterly access point.

November 13, 1980

Dowling explained to Williams that when the property owner to the west developed his property, a condition of his obtaining a building permit would be that he grant us access to Folsom Boulevard through his property. According to Dowling, the City wanted to strictly control the number of access points and flow of traffic to a point approximately 400 feet west of the intersection of Watt Avenue and Folsom Boulevard. Dowling stated the reason for this control was the intersection of Teichert Aggregates' dirt access road with the south side of Folsom Boulevard. The City wanted to insure an orderly ingress-egress condition on both north and south sides of Folsom Boulevard for two specific reasons: (1) the present heavy usage by Teichert's gravel trucks; (2) the eventual development of the Teichert gravel pit into residential or commercial uses.

The City's solution to control was to extend a center divider island along Folsom Boulevard from the intersection of Watt and Folsom approximately 400 feet westerly to the point where the Teichert access road intersects Folsom. When completed, the center divider would prevent eastbound traffic from directly entering or exiting our property. Access to, and egress from our property for eastbound traffic would be through the adjacent property to our west; our eastern most access point to Folsom Boulevard would be eliminated; and our only access points to Folsom would be at the southwest corner of our property and along our westerly property line through the adjacent property.

After conferring with Williams and our engineers, Justice & Associates, we agreed to redesign our access and circulation. Our decision was based upon information obtained from Williams and Loren Kotoska, Senior Engineer at Justice & Associates. On or about September 14, 1978, Dowling advised Kotoska, as well as Williams again, that the City would require the property owner to the west to grant us access to Folsom Boulevard through his property. On October 6, 1978, Williams sent a letter to Dowling confirming The Cook Company's understanding that only "two curb cuts would be allowed along Folsom Boulevard with a future point of ingress and egress along the westerly property line which bears N 32°57'10" W approximately 110 feet north of the most southerly property line."

Five months later, on March 8, 1979, Ethan Browning, then Planning Director for the City of Sacramento, sent the enclosed letter and staff report to the members of the City Council. The letter and staff report recommended approval of The Cook Company's development plan and rezone request. Page Two of the staff report specifically mentions the access issue and Traffic's recommendation:

November 13, 1980

"The Traffic Engineer's Office was contacted and found the access from Folsom Boulevard acceptable as long as enough space is provided for access to adjacent commercial property to the west; the applicant has complied with this recommendation."

The City Council approved our development plan and on April 12, 1979, the rezone became effective.

With this approval, The Cook Company completed working drawings and began our leasing activities. One of our initial tenant prospects inquired about access for our proposed building. On May 24, 1979, I personally spoke by telephone with Rick Dowling who advised me that the City would require the adjacent property owner to the west to provide us with access to Folsom Boulevard through his property. Dowling further stated that while the City did not plan to install traffic signals, the adjoining property owner and The Cook Company could pay for signalization. I immediately conveyed this information to the prospective tenant who is still considering the building.

In October, 1979, with our building under construction, we were approached by a second prospective tenant who inquired about space and access. Without hesitation, I explained our understanding with the City to this prospective tenant who subsequently signed a lease and currently occupies the entire second floor of our building.

In November, 1979, a third major tenant prospect inquired about space and access. I again called the City and spoke with one of the members of the Planning Staff. Unfortunately, I did not take notes of the conversation and do not remember with whom I spoke; however, that person again confirmed that the City would require the adjacent property owner, as a condition to granting him a building permit, to grant us access through his property. I subsequently relayed this information to the prospective tenant who now also occupies space in the building.

In February, 1980, the adjacent property owner applied for and received a building permit from the City without granting us access through his property. In June, 1980, a center divider was constructed preventing eastbound traffic on Folsom Boulevard from turning into our property and preventing traffic exiting our property from turning eastbound onto Folsom Boulevard. In this condition, the only path of ingress to our property is to travel westbound on Folsom Boulevard and make a right turn; and the only path of egress is to exit westbound on Folsom Boulevard.

When this divider was constructed, our tenants immediately complained to us and we attempted three alternative solutions: (1) we attempted without success to obtain the easement directly from the adjacent property

November 13, 1980

owner; (2) we attempted without success to purchase the property at over twice the price the owner paid just 12 months ago; (3) we met with Planning Director Marty Van Duyn to determine if the City would follow through with its prior statements and either condemn the necessary land for the easement or alter the divider to permit full access to our property. Marty Van Duyn both remembered the City's prior statements to us regarding the issue and sympathized with our problem. He met with personnel from Traffic who denied they or Rick Dowling ever made the statements and commitments described above. Further, Traffic would not approve altering the divider to allow full access to our property.

Upon our failure to arrive at a solution with either the adjacent property owner or the City, on September 25, 1980, we met with Lloyd Connelly, City Councilman for the district in which the building is located. We described the above events in less detail and he recommended writing this letter. We therefore formally and respectfully request you to place this issue on the City Council's agenda for resolution at the earliest possible date. We request the City Council to either condemn the necessary property to the west to allow our full access; or to alter the center divider on Folsom Boulevard to permit eastbound traffic to turn left into our property and to allow traffic exiting our property to turn eastbound onto Folsom Boulevard.

Thank you for your time and consideration in this matter. We anxiously await your response.

Sincerely,

THE COOK COMPANY



Rusty Ertle
Vice President

RE/ac

cc: Hilton Williams
Loren Kotoska
Lloyd Connelly
Richard Brown

CAL AIR SUPPLY COMPANY

1219 BLUMENFELD DRIVE · SACRAMENTO, CALIFORNIA 95815 · (916) 929-6677

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November 14, 1980

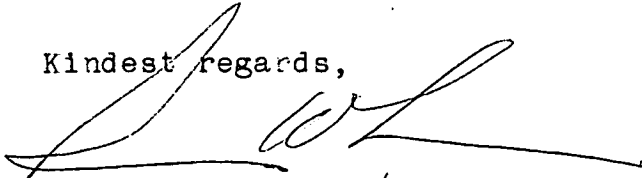
Lorraine Magana
Office of the City Clerk
915 I Street
Sacramento, California 95814

Dear Sir:

Thank you for your letter of November 3, 1980 to Tom Smith regarding the appeal of Tom Smith regarding the installation of street improvements along the frontage of a proposed commercial project located on the Northwest corner of Harvard Street & Sillica Avenue.

Please take this letter as our acceptance of the terms of the agreement as set forth by Mr. Lorenz, the hearing examiner, and have the necessary agreement drawn up by the City Attorney for us to sign.

Kindest regards,



Richard W. Taylor/ Tom Smith
Owners



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CITY OF SACRAMENTO

City of Sacramento

CALIFORNIA

Nov 19 2 08 PM '80

LLOYD G. CONNELLY
COUNCILMAN, DISTRICT 6
CITY HALL
915 I STREET
SACRAMENTO, CALIFORNIA 95814
(916) 449-5409

RESIDENCE
4140 - 62ND STREET
SACRAMENTO, CALIFORNIA 95820
(916) 455-8950

November 14, 1980

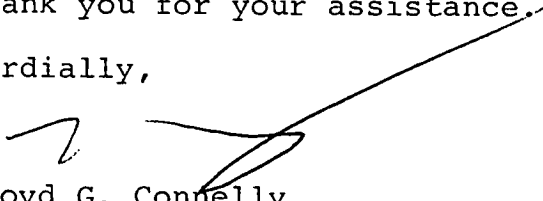
Lorraine Magana
City Clerk

Dear Lorraine:

Would you please insure that the attached November 13 letter from Rusty Ertle, Vice President of Cook Company is placed on an upcoming agenda for appropriate referral to the City staff for a report back.

Thank you for your assistance.

Cordially,


Lloyd G. Connelly
City Councilman
District 6

LC:dc

attachment

cc: Rusty Ertle
Jean Runyon



CITY OF SACRAMENTO

20
LORRAINE MAGANA
CITY CLERK

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 308

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

December 8, 1980

David W. McMurtry
RODDA and McMURTRY
Attorneys at Law
2020 Hurley Way, Suite 365
Sacramento, CA 95825

Dear David:

This is to confirm that my office is in receipt of your request for continuance for City Council hearing on the following matter:

Eastbound ingress and egress at Fifty West, located at the northwest corner of Folsom Boulevard and Watt Avenue.

Originally scheduled for December 9, 1980, this item is continued, and shall be heard at the regular City Council Meeting of December 16, 1980, at 7:30 p.m., Council Chambers, Second Floor, City Hall, 915 "I" Street, Sacramento, California.

Sincerely,

Lorraine Magana
for

Lorraine Magana
City Clerk

IM:lg

cc: Rusty Ertle
Councilman Connelly
Mayor Isenberg
City Engineer
Planning Director
Traffic Engineer
City Manager