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Honorable City Council  
City of Sacramento  
Sacramento, California

Re: **South Natomas Community Plan - Flood Language Amendment**


Dear Councilmembers:

It is recommended that the attached language be included in the South Natomas Community Plan. This language is consistent with the earlier discussions which we have had with the City Council, developers, and Natomas Community Association representatives. The purpose of the additional language is to implement the philosophy that (1) owners and developers, etc., be aware of the risk of flooding in the South Natomas Community Plan Area, (2) that if they proceed with development, it be done at their risk, and (3) that they execute, in favor of the City waivers, releases, etc., which exempt the City from liability. Under the proposed language, waivers, etc. are not required if the development is built at least one foot above the current flood data being prepared by the Corps of Engineers.

While this language was not prepared in time to be included in the staff report for the November 29th meeting, the Planning staff and others have been aware that the additional language would be submitted to the Council for action on November 29th.

Approval of the attached language is recommended.

Sincerely,

  
JAMES P. JACKSON  
City Attorney

JPJ:kes  
Attachment

cc: Walter J. Slipe  
Mike Davis

PROPOSED ADDITION TO FLOOD PROVISIONS  
OF SOUTH NATOMAS COMMUNITY PLAN

*Amended*

Although recent federal legislation ensures the City has discretionary authority to approve new development in this area, even though ongoing U. S. Army Corps of Engineers studies indicate the absence of 100-year flood protection in the area, there exist uncertainties associated with such development regarding the applicable flood insurance rates that will be charged and the nature of flooding and other risks. These uncertainties necessitate that the owners and other principals of such development execute and record in the County Recorder's Office, in favor of the City of Sacramento in a form satisfactory to the City Attorney, hold harmless, waivers, exculpation and assumption of risk clauses for all new development which is not built at an elevation consistent with an elevation that is one foot above the flood data currently being prepared by the Corps of Engineers.

The owners and other principals of such development shall have and assume the obligation to acquire ~~all available~~ <sup>not all information necessarily available</sup> flood plain information relevant to the development, ~~including information~~ <sup>sufficient to inform subsequent purchasers</sup> ~~whenever~~ <sup>whenever</sup> sufficient to inform subsequent purchasers of ~~pertaining to~~ <sup>based on the information</sup> the existing level of flood protection and the applicable flood elevations in the possession of the Corps, whether or not such information has been adopted as part of an official FEMA flood map or the City's flood plain management ordinance, and to pass on such information to subsequent purchasers and tenants of the development. These obligations shall

*to the Public*

apply to future projects and developments in the South Natomas Community Plan Area which require further discretionary approvals from the City and to those projects and developments which do not

The City shall provide to Owners any information it possesses relating thereto. <sup>requested public</sup>

require additional discretionary approvals (which need only a building permit). The City Manager is authorized to develop and implement procedures and requirements to carry out the intent of this paragraph, including defining the meaning of "other principals" of the development to include lenders and others related to the project.

These obligations shall cease upon substantial completion of 100-year flood control protection. ~~and appropriate documents releasing owners and other principals shall be recorded.~~

The aforementioned recorded documents shall include a provision that