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November 28, 2005

Ted Gaines (Chair)  
Placer County Transportation Planning Agency Board  
299 Nevada Street  
Auburn, California 95603

RE: **OBJECTIONS / PROTEST TO:  
CITY OF ROSEVILLE 2005/06 CONGESTION MITIGATION & AIR  
QUALITY (CMAC) PROJECT GRANT FUNDING APPLICATION**

SUBJECT: **PROPOSED HARDING BOULEVARD TO ROYER PARK BIKE TRAIL**

Chair Ted Gaines and Members of the Board:

As a directly affected thirty-nine (39) year resident property owner at 205 Thomas Street, Roseville, California, William J. Zisk hereby protests and objects to the City of Roseville 2005/06 Congestion Mitigation & Air Quality (CMAC) grant funding application for the proposed Harding Boulevard to Royer Park bikeway project based upon the following grounds:

1. William J. Zisk and Lois E. Zisk purchased in fee simple the three parcels of land in 1966, consisting of 12.2 acres in central Roseville, commonly known as 205 Thomas Street, Roseville, California (Placer County Assessors Parcels Number [s] 013-040-03, 013-040-04, 013-040-05) (hereafter subject property).
2. The zoning and land use at the time of purchase (1966) was R-1 and R1-FP, single family dwellings, medium density, and was in full compliance with the general plan of the City of Roseville. **There was no adopted plans for a bike trail on any part of the subject Zisk property, and there was no adopted park and streambed plan for any part of the subject Zisk property. There was no CEQA or NEPA requirements. There was no adopted open space and conservation elements. There was no adopted bicycle master plan. There was no adopted floodplain zoning ordinances.**

3. The Zisks have conducted their sole livelihood in the sand and gravel and trucking business in Roseville since 1952 and have operated that business at 205 Thomas Street, Roseville, CA since 1966, in the same non-conforming use as did the prior owner of the subject property, and the one prior, dating back to the turn of the century.
4. In **1966** the Zisks embarked on a massive project to clean and restore the subject property, which had been allowed to deteriorate into an eyesore and community health problem. **The primary intent of the Zisks is to construct their new home on a half acre portion of the subject property situated adjacent to the private secluded passive natural setting of Dry Creek on Zisk property.**
5. On **February 23, 1967** the Zisks applied to the City of Roseville planning commission for a use permit to construct their new home on the subject property. The commission conditionally approved the application, which required the Zisks to clean, widen and deepen the channel of Dry Creek on Zisk property and submit a half acre lot split from the 12.2 acre parcel.
6. On **March 30, 1967** the Zisks applied for and received streambed alteration notification permit number 976 from the California Department of Fish and Game, purchased a dragline (dredger) and did in fact commence the major improvements to the portion of Dry Creek that traverses the subject Zisk property as required by the Roseville Planning Commission as a condition of issuance of the use permit to construct our new home on the subject property.
7. Upon nearing completion of the massive seven (7) year reclamation project on the portion of Dry Creek on Zisk property as required by the planning commission as a condition of approval of the Zisk **February 23, 1967** use permit application to construct our new home, the Zisks submitted their request to the planning department for a parcel map and lot split on **March 1, 1973**.
8. On **March 14, 1973**, the city planning department made a determination that an environmental impact report was now required in connection with the Zisk permit application, despite the fact that the use permit application was submitted on **February 23, 1967** and the project was commenced long before the California Environmental Quality Act (CEQA) of 1970 was enacted, and the request was in full compliance with all existing city ordinances and land use regulations, and the property was properly zoned for the intended use.
9. On **March 22, 1973** the Zisks appealed the denial of the request for a parcel map and lot split. On **April 25, 1973** the City Council upheld the planning department denial and directed that an EIR be required before any further processing of the Zisks **February 23, 1967** permit application.

10. On **April 25, 1973** the Public Works Director, Fredrick L. Barnett sent a letter to the Zisks, advising them to cease all work within 75 feet of the waters' edge of Dry Creek on Zisk property and re-apply for a new permit to complete the February 23, 1967 use permit application requirements.
11. In **May, 1973** the City received the results of their requested study conducted by the U.S. Army Corps of Engineers in Sacramento entitled, FLOODPLAIN INFORMATION, DRY CREEK AND TRIBUTARIES, ROSEVILLE, CALIFORNIA, **MAY 1973**. It showed that a small portion of the Zisk property adjacent to Dry Creek was within the limits of a projected 100-year flood. However, the maps submitted to the Corps by the City of Roseville in making this determination were flown on **February 4, 1956 and April 18, 1956** and in no way reflected the physical topography of the streambed on the Zisk property in **May 1973** especially **taking into consideration the improvements to the channel of Dry Creek the Zisks had made, which improved the flow capacity by 200%**. This fact was brought to the attention of the City who then requested the Corps of Engineers conduct a special study of the Zisk property. **This new study revealed that the Zisk property was above and outside the projected 100-year floodplain elevations and that the Corps did not object to the building of a new home at the designated location.** The City has never accepted this revised position.
12. Between **May 11 and June 8, 1973** the Zisks did in fact re-apply to various agencies within the City and the State of California Fish and Game for renewal of the permits, which were subsequently granted on **June 8, 1973**.
13. On **June 1, 1973**, the Zisks, through their engineer, Atteberry & Associates of Roseville CA., filed an Environmental Impact Report with the City, examining the effect on the environment of the construction of a single family home on a half acre portion at the westerly boundary of the Zisk property. The EIR summarized the following at page 14:

"The proposed project is the culmination of a seven year program undertaken by the Zisk family in 1967 to clean up and improve a portion of creek side property that had been exploited for many years and allowed to deteriorate into an eyesore and community health problem. It is in compliance with existing zoning and has no long-range unavoidable adverse impacts. The work accomplished to date by the Zisk family indicates the quality of their goals and the ultimate benefit to the community in improved health conditions and scenic qualities "
14. On **June 20, 1973** the City Council adopted an Open Space and Conservation Element to the General Plan by Resolution No. 73-56, which changed the land use designation of the Zisk property from R-1 and R-1-FP, single family dwellings, to open space for park purposes.

15. On **July 13, 1973** the Corps of Engineers reported to the City Planning Department that the proposed lot split and construction by the Zisks would not have a significant effect on water surface elevations in the floodplain and the Corps did not object to the construction of the Zisk family new home.
16. On **July 24, 1973** the City Planning Director, Leo Cespedes, wrote to the Corps of Engineers asking them to restudy their determinations and further stating that the planning Department would withhold further processing the Zisk application for a Lot Split and Use Permit until a reply was received from the Corps of Engineers.
17. On **August 29, 1973** the City Council adopted a "tentative" plan for a "proposed trail system" on Dry Creek, but only through the Zisk property, and directed staff to send notification to Mr. Zisk. No other upstream or downstream property owners were notified or effected.
18. On **August 31, 1973**, the Director of Public works for the City of Roseville Frederick L. Barnett wrote to the Corps of Engineers, summarizing a determination of the Roseville Floodplain Committee that no development be allowed within the designated primary floodway, and the secondary zone of floodway fringe be utilized for greenbelt, agricultural, parks and recreation uses.
19. On **September 5, 1973** the Public Works Director Frederick L. Barnett in commenting on the **June 1, 1973** Environmental Impact Report submitted by the Zisks, wrote to the Planning Director and advised that although "his" determination of the work of excavating and grading done by the Zisks on the subject property showed a rise in the floodplain on the property, the decisive fact in evaluating the Environmental Impact Report was that construction of the home by the Zisks on the proposed lot would interfere with the "tentative" proposed bicycle path and streambed acquisition, and that, therefore the Zisk project would have an adverse impact on the environment.
20. On **September 7, 1973** the Roseville City Manager, Robert Hutchison, wrote to the Zisks and notified them that the City intended to acquire portions of the subject property for a "tentative" plan for a bicycle trail and that the City's project was in conflict with the **Zisk's February 23, 1967** plan to build a home on a half acre portion of the subject property.
21. On **September 10, 1973** the City Planning Director wrote a memorandum to the Planning Commission recommending denial of the Zisks permit because no final Corps of Engineers report had been received as of yet and because the Zisks' development of their property interfered with and was in conflict with the "tentative" proposed bicycle path.

22. On **September 13, 1973** the Roseville Planning Commission “**denied**” the Zisks' application. Evidence submitted at the hearing in opposition to the Zisk application, was the proposal to build a home on the subject property conflicted with the Park and Streambed Plan, the Open Space Element of the General Plan, and the plan for “**proposed**” acquisition of a bicycle trail across the *subject* property. **No adjacent property upstream or downstream was affected or proposed.**
23. Pursuant to Notice of Appeal by the Zisks of the Planning Commission denial of the Zisk application for a permit, the Roseville City Council did on **October 3, 1973**, deny the appeal by the Zisks, ***“on the basis of evaluation by the City of the Environmental Impact Report, the conflict with the bike and pedestrian trail as” tentatively approved” by the City Council and conflict with its development, and further, that the plan is in conflict with the Park and Streambed Element of the General Plan, and the Council give notice that City intends to purchase a bike and pedestrian trail system along the streambed ”.*** **During the public hearing the Public Works Director, Frederick L. Barnett, stated that the “Zisks home site was above and outside of the 100-year floodplain.”** Since October 3, 1973 the Zisks did no further physical development on their property.
24. On **October 5, 1973**, there was a joint meeting between the Roseville Planning Commission and the City Floodplain Commission for a public hearing on Ordinance No. 1224 which was the Floodplain Ordinance to preserve everything within the boundaries as natural area for park and recreation and that the application to buy the Zisk property was consistent with the Park and Recreation element of the General Plan. No other property was affected.
25. On **October 25, 1973** the Roseville Planning Commission passed Floodplain Ordinance No. 1224, finding the ordinance consistent with the Open Space and Conservation element and the Park and Streambed Plan.
26. On **November 28, 1973** the City Council adopted Floodplain Ordinance No. 1224, and Floodplain Zoning Ordinance No 1227 to take effect in 30 days (**December 28, 1973**). The Zisk Property was rezoned from R-1 and R1-FP to permanent Floodway and Floodway Fringe (FW & FF).

On **November 28, 1973** the City Council down zoned virtually the entire Zisk property to permanent floodplain (FF & FW). Prior to the down zoning, both the U. S. Army Corps of engineers and the Director of Public Works for the City of Roseville, Frederick L. Barnett, publicly acknowledged during the public hearings, that the **majority of the Zisk property is above and outside the limits of the 100-year floodplain.** Numerous other properties throughout the city, **including City property**, that had been designated by the U. S. Army Corps of Engineers as being **within** the 100-year floodplain, were completely **excluded** from the boundaries of the 100-year floodplain on the Official Floodplain Zoning Map of the City of Roseville, and were allowed to be completely

developed. **The Zisk property is the only property that is above the 100-year floodplain that has been placed within the boundaries of the 100-year floodplain.**

27. On **December 19, 1973** the City Council duly adopted Condemnation Resolution No 73-122, authorizing condemnation of over half of the Zisk property. The Zisks were not given an opportunity to be heard before or during adoption of the Resolution to condemn. Prior to filing of the eminent domain action in Placer County Superior Court (No. 41104), the Zisks were not made an offer of settlement for their property, nor had their property been appraised by the City, nor had the City complied with the California Environmental Quality Act of 1970, nor was there a "public necessity" to condemn, nor did the City have an officially adopted "project", nor did the City make any attempt to acquire any adjoining property upstream or downstream of the Zisk property.
28. On **December 20, 1973**, the City Council voted to institute an action in eminent domain (Placer County Superior Court No. 41104), to take over one half (1/2) of the Zisk property for the "tentative" plan for a bicycle trail across the Zisk property. Prior to the filing of the eminent domain proceeding:
1. The Zisks were not given an opportunity to be heard at a public hearing before the adoption of a Resolution of Intent to Condemn (NO. 73-122).
  2. There was no adopted "project" to necessitate condemnation.
  3. There was no compliance with the California Environmental Quality Act (CEQA) of 1970.
  4. There was no compliance with the requirements of Government Code Sections 7267.1 to 7267.7 inclusive.
    - (a) No negotiations to acquire the Zisk property.
    - (b) No appraisal of the Zisk property.
    - (c) No offer of just compensation for the taking and damaging of the Zisk property.

**No other property throughout the entire City of Roseville has been condemned for a "tentative" plan for a bike trail.**

29. On **November 30, 1983** the Roseville City Council adopted floodplain ORDINANCE NO. 1751, ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE REPEALING AND REENACTING ARTICLE 23 OF ORDINANCE 802, THE ZONING ORDINANCE OF THE CITY OF ROSEVILLE, RELATING TO REGULATION OF LAND USE IN FLOOD PRONE AREAS. In adopting Ordinance No. 1751, the City Council merely changed the text of the Ordinance to qualify for participation in the FEMA flood Insurance program. **However, the boundaries of the 100-year floodplain were not changed to coincide with the 100-year floodplain boundaries as depicted on the 1983 FEMA Flood Boundary Map, which places the subject Zisk property in Zone "B", above the 100-year floodplain. In furtherance of the collusive plan and**

**scheme, the subject Zisk property is the only property above the established 100-year floodplain boundary elevations on the 1983 FEMA Flood Boundary Map, that remained in the fraudulent 100-year floodplain zoning designation on the Official Floodplain Zoning Map of the City of Roseville, dated October, 1973.** Numerous other parcels of land, including City parcels, that were designated within the 100-year floodplain boundaries on the 1983 FEMA Flood Boundary Map, were excluded from the 100-year floodplain map as depicted on the Official Floodplain Zoning Map of the City of Roseville, dated October 1973, and were allowed to be filled and fully developed.

30. On **December 15, 1983** the City entered the Federal Emergency Management Agency (FEMA) flood insurance program. FEMA had conducted a study of the Dry Creek Drainage Basin within the City of Roseville, based on information and data obtained from the U.S. Army Corps of Engineers. **The results of the FEMA/Corps of Engineers study placed the majority of the Zisks property above and outside of the limits of the 100-year floodplain. The 1983 FEMA 100-year Flood Boundary Map places the Zisk property in Zone "B", above the 100-year floodplain.**
31. Thereafter, in **January 1984**, the City of Roseville embarked on a new flood study by employing the services of Nolte and Associates of Stockton/Sacramento.

The information and data used to compile the Nolte study was as follows:

1. The resistant "n" factor of the streams within the City of Roseville were calculated and estimated from aerial photography flown on **December 13, 1984**, when the streams were in the most congested and overgrown condition since 1970.
2. **The stream gage flow data from the gages within the Dry Creek Basin were discarded, and stream flow gage data from a drainage basin outside of the Dry Creek Drainage Basin was used to convolute estimated discharge flows.**
3. **The *peak* discharge flow estimates were grossly exaggerated to incorporate a "worst case scenario" for a "future" full build-out of all of South Placer County. FEMA does not recognize or except "future conditions," in a Flood Insurance Study.**
4. **The City of Roseville forwarded the fraudulent convoluted "future condition" study to FEMA with a request for revision of the 100-year flood boundaries within the City.** The Corps of Engineers peak discharge flow on Dry Creek through the Zisk property was determined to be 7300 CFS for a 100-year flood event. The Nolte Study was commenced 60 *days after* the FEMA

floodplain Maps were adopted on December 15, 1983, and increased the fraudulent peak discharge flow on Dry Creek through the Zisk property to 16,140 CFS for a 100-year flood event. This constitutes a falsified rise of the flood elevation on the Zisk property by 4 to 5 feet.

**A duplicate verified copy of the computer runs and work product maps used in the 1984 Nolte Study have confirmed the fact that the study represents "future conditions" and not the "present conditions" as required by FEMA Flood Insurance Studies.**

32. In February 1986, the City of Roseville was subjected to the most severe and prolonged concentration of rainfall on record, which resulted in the most severe flooding in Roseville of record.
33. On February 17, 1988 the Roseville City Council adopted ORDINANCE NO. 2091, ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE REPEALING AND REENACTING ARTICLE 23 OF ORDINANCE OF THE CITY OF ROSEVILLE, RELATING TO FLOOD PRONE AREAS.

In adopting Ordinance No. 2091, the following Finding of Fact is stated in relevant part under Article 23, Section 23.01 (a): --- **these flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities** ---

Under Section 23.01 (b): Regulation of areas of special flood hazard is necessary because of the compelling need to insure safety and the availability of flood insurance to the residents of the City of Roseville, in that the Government of the United States, through the Federal Emergency Management Agency and the Federal Insurance Agency, requires that these regulations be adopted before flood insurance can be obtained by residents.

Article 23, Section 23.14 reads:

**23.14 Maintenance of Pre-existing uses. Nothing in this Article shall be construed to prohibit the normal, ordinary, or necessary maintenance or repair of a pre-existing, nonconforming use or structure in accordance with Article 29 of this Zoning Ordinance. It is the intent of this section that current lawful uses of flood prone lands shall be grandfathered and permitted.**

**As stated earlier, the Zisks have maintained the same residence and business operation on the subject property since 1966, the same as the prior owners, dating back to the turn of the century.**

34. On **June 29, 1988**, City Attorney, Michael F. Dean and former City Attorney G. Richard Brown filed another complaint in Eminent domain on the subject Zisk property, Placer County Superior Court No. 82206, for the purpose of removing a "**live**" 15 inch sewer line on the subject Zisk property, and installing a 63 inch sewer line in its place. The contractor employed by the City of Roseville to accomplish this task, purposefully and maliciously destroyed every single living fruit and nut tree and domestic landscaping on the Zisk property in a swath 60 feet wide and 750 feet long. In the course of construction, and thereafter, the Zisks were severed from access to their home and business, their domestic water supply was severed 5 times, and raw untreated sewerage was spilled on the ground and stored in cesspools on the Zisk property, creating a health problem. William Zisk sustained sores over his body and required medical attention.
35. On **November 7, 1990**, the Roseville City Council adopted ORDINANCE NO. 2374, ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE ADDING CHAPTER 9.80 TO TITLE 9 OF THE ROSEVILLE MUNICIPAL CODE RELATING TO FLOOD DAMAGE PREVENTION. This Ordinance was adopted under TITLE 9 of the HEALTH AND SAFETY CODE of the City of Roseville, and incorporated the Federal Emergency Management Agency (FEMA) Flood Insurance Study of September 28, 1990. **The September 28, 1990 Flood Insurance Study contains and applies the falsified fraudulent "future conditions," study of the City of Rosevilles' 1984 NOLTE STUDY, which raised the flood elevations on the Zisk property by 4 to 5 feet over the previous 1983 FEMA Flood Insurance Study.**
36. On **March 20, 1991** the Roseville City Council adopted Ordinance No. 2408, ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE ADDING SECTION 23.23 TO ARTICLE 23 OF ORDINANCE 802, THE ZONING ORDINANCE, RELATING TO FLOOD PRONE AREAS. **The fraudulent "future conditions" of the 1984 Nolte Study were fraudulently applied to the Official Floodplain Zoning Map of the City of Roseville. The flood elevations on the subject Zisk property have been fraudulently raised by 4 to 5 feet. The entire subject Zisk property has been systematically, purposefully and fraudulently down-zoned to "permanent floodplain."**
37. **The Zisks have been deprived of the fact that the Roseville City Council and the Roseville Planning Commission have not considered the incremental cumulative impacts of past, present and future proposed projects, obstructing the free flow of floodwaters within the floodplain of Dry Creek, Antelope Creek, Cirby Creek, Linda Creek, and Miners Ravine Creek, which include but are not limited to:**

The encroachment of approximately twenty thousand (20,000) cubic yards of fill into the designated floodplain on the west bank of Dry Creek adjacent to *Royer* Park where the public safety building currently sets; the encroachment of the basement of the main Taylor Street library into the floodway on the west bank of Dry Creek adjacent to *Royer* Park;

the encroachment within the floodway of the concrete floodwall and gabion structures on the west bank of Dry Creek adjacent to Royer Park; the placement of a sixty-six (66) inch diameter sewer line across and adjacent to Dry Creek within Royer Park; the encroachment of gabion structures and limestone rip-rap within the east bank of the '*floodway channel*' of Dry Creek in Royer Park; the encroachment of three (3) footbridges within the '*floodway channel*' of Dry Creek in Royer Park (two have been swept away during past floods and lodged within the '*floodway channel*' during peak flows); the huge trees which have eroded away within the '*floodway channel*' and lodged within the channel and against all of the bridges; chain link fences have been anchored across the '*floodway channel*' with cables, collecting floating debris (torn loose during peak flows of past floods); the Veterans Memorial Building within the floodplain, immediately adjacent to the east bank of Dry Creek in Royer Park; the twenty-four (24) inch diameter sewer line placed immediately adjacent to the foundation of the Veterans Memorial Building on the east bank of Dry Creek in Royer Park, coupled with the gabion structures and rip-rap later placed in the '*floodway channel*' of Dry Creek, in an attempt to protect the sewer line; the placement of Rosevilles' first landfill "*dump site*" within the seventeen (17) acre portion of the floodplain of Dry Creek in what is now Saugstad Park; the fifty (50) thousand cubic yards of fill dirt imported to the Saugstad Park site to cap the raised filled "*dump site*"; the sewer lines running parallel and perpendicular to the flow of Dry Creek in Saugstad Park; the Darling way bridge; the gabion structures on the east bank of Dry Creek in Saugstad Park; at the confluence of Cirby Creek, with the raised surface exposed sewer line running perpendicular to the flow of Dry Creek; the Riverside Avenue Bridge; the BMX bicycle facility; the Vernon Street bridge; the Southern Pacific Subway Railroad Bridge; the Atkinson Road and parallel Southern Pacific Railroad Bridges and Regional Wastewater Treatment Plant settling ponds off of Booth Road.

The Lincoln Street Bridge; the sixty-six (66) inch sewer line upstream on the west bank of Dry Creek; the encroachment of an additional two hundred (200) cubic yards of rip-rap extending *into the floodway channel*' of Dry Creek at 140 Folsom Road (McCurry dental facility); the six (6) inch sewer line placed perpendicular to the flow, two (2) feet above the ground level of Dry Creek (since destroyed by prior floods); the Folsom Road Bridge; the sixty-six (66) inch and twenty-four (24) inch sewer lines, again just upstream of the Folsom Road Bridge, encroaching into the '*floodway channel*' of Dry Creek with fill material, gabion structures, rip-rap structures and steel wall structures on the west bank of Dry Creek, and solid wooden and chain link fences on the east bank perpendicular to the flow of floodwaters on the east designated "*floodway*" of Dry Creek; the encroachment of five hundred (500) cubic yards of limestone rip-rap into the '*floodway channel*' on the west bank of Dry Creek at the terminus of Columbia Avenue; the gabion structure placed on the east bank of Dry Creek at the terminus of Marilyn Avenue (since failed and eroded, sliding directly into and obstructing the '*floodway channel*' of Dry Creek; the placement of an eighteen (18) inch sewer line on the northwest bank of Dry Creek (at rear of Adelante School facility), which eroded during high waters and collapsed into Dry Creek, discharging raw untreated sewerage into Dry Creek; the placement of two hundred (200)

cubic yards of broken concrete, cement dust and debris encroaching into the east bank of Dry Creek at the rear of 339 Evelyn Avenue (Marion Residence); the six hundred (600) cubic yards of concrete rubble and dust and debris currently dumped on the southeast bank of Dry Creek forming a "wine-dam" at the rear of 318 Maciel Avenue (Roberta Bechtel residence) and encroaching, without permission, onto property owned by William J. Zisk and Lois E. Zisk; the filling of a historical natural "drainage swale" and "wetlands" at the rear of 706 Atlantic Street and the placing of a three (3) story sanctuary on top of the filled drainage swale (Abundant Life Church); the encroachment into the entire width of the Dry Creek "floodway" and "wetlands" at the confluence of Antelope Creek, Secret Ravine and Miners Ravine in 1984, with the continuous solid raised filling of a four (4) lane roadbed structure at what is currently Harding Boulevard, and the placement of floatable massive bundles of wooden trusses which were stored on the upstream side (Latham lumber) of the filled Harding Boulevard structure, which floated over the top of the filled structure during the 1986 flood and lodged within the "floodway channel" and against the downstream bridges. A human fatality occurred at this location during the 1986 flood.

Traveling further upstream on the Antelope Creek tributary of Dry Creek; the encroachment into the floodplain and "wetlands" of Antelope Creek, of the placement of over twenty thousand (20,000) cubic yards of fill dirt to raise the approach to the Harding Blvd. overcrossing structure over Atlantic Street at the Southern Pacific railroad track; the filling of the Harding Blvd. on-ramp bridge over Antelope Creek at Wills Road; the encroachment into the "floodplain and wetlands" during the widening of Atlantic Street over Antelope Creek; the narrow Southern Pacific railroad bridge over Antelope Creek; the narrow culvert bridge crossing over Antelope Creek to the City of Roseville raised Berry Street land fill "dump site", and the encroachment into the "floodplain and wetlands" of Antelope Creek, of the City of Roseville Berry Street raised land fill "dump site," itself.

Neither, the Berry Street land fill "dump site" (within the floodplain of Antelope Creek), nor the Saugstad Park land fill "dump site" (within the floodplain of Dry Creek) incorporated any barrier protection to the underground water table and neither "dump site" incorporated any restrictions as to the quality and contents of the disposal buried on site, nor was there conducted any environmental assessments of the proposed projects prior to commencement of the "landfill dump sites". Currently, erosion at the Saugstad Park dump site on Dry Creek has exposed buried "blacktop" and landfill debris within the "floodway channel" of Dry Creek.

Traveling further upstream on the Miner's Ravine tributary of Dry Creek: the encroachment into the "wetland and floodplain" of the pristine Miners Ravine Creek with the placement of sewer lines and five (5) restrictive and obstructive "low lever" concrete bicycle trail bridges crossing the streambed (1994), all five (5) of the obstructive "low level" bicycle trail bridges failed and were heavily damaged and eroded during the peak

discharge flows of the 1995 flood. All five (5) of the *obstructive "low level"* bicycle trail bridges were repaired and replaced in 1998 (using federal FEMA funding) in the identical same locations and elevations as was the original obstructive "low level" bridge structures.

The forgoing statements and facts relating to the incremental cumulative impacts are verified and supported by a study prepared especially for the City of Roseville by the United States Army Corps of Engineers, entitled: FLOOD PLAIN INFORMATION, DRY CREEK AND TRIBUTARIES, ROSEVILLE, CALIFORNIA, DATED, MAY 1973.

The hydrology analysis of these projects has been assessed on the basis of a "multiple choice" of hydrology studies, some of which have been fraudulently applied to achieve the purpose intended, especially on the Zisk twelve (12) acre parcel located at 205 Thomas Street.

The first and most accurate hydrology study was performed for the City of Roseville by the Sacramento Branch of Corps of Engineers in 1973. The peak discharge flows for a one hundred (100) year event on Zisk property were calculated to be 7,300 cfs.

A second hydrology study was performed by Gill & Pulver in 1983 for FEMA for flood insurance purposes. The peak discharge flows for a 100-year event on Zisk property were calculated to remain approximately the same at 7,300 cfs.

A third hydrology study was performed for the City of Roseville by Nolte and Associates in 1984. The peak discharge flows for a 100 year event on Zisk property were calculated by Nolte to be 16,140 cfs, fraudulently raising the 100 year flood elevations by approximately 5 feet on the Zisk property.

A fourth hydrology study was performed by Montgomery for Placer County in 1992. The peak discharge flows for a 100-year event on the Zisk property was calculated to be 10,360 cfs.

Currently, the City of Roseville is utilizing a Swanson Hydrology Study, which does not appear to calculate peak discharge flows for a 100-year event but rather simply states that the current proposed projects will not change the water surface elevations on Dry Creek. **The same Swanson Study also states that the planting of "thousands of trees" in the "floodway" of Dry Creek will not effect the "n" factor, backwater or water surface elevations!!**

**It does not take a rocket scientist to determine that the placement of thousands of trees in the "floodway", coupled with the placement of gabion structures, boulder revetments, weirs, concrete walls and sewer lines, narrowing the**

**"floodway" width and raising the bottom of the streambeds, as well as the increases in peak discharge flows from 7,300 cfs to 16,140 cfs will obviously result in environmental consequences and significant "cumulative impacts", as well as significant impacts on human beings, either directly or indirectly.**

38. **The City of Roseville, as lead agency, in the preparation of the DEIR and FEIR for the Harding Boulevard to Royer Park bike trail is utilizing federal and state financial assistance and grants to cover-up and conceal the prior thirty-two (32) years of history of the 12.2 acre Zisk parcel as a result of the Zisk familys' simple request to pursue the "American Dream" to build the home of our dreams on "OUR" privately owned property, located within the quiet, peaceful, passive surroundings adjacent to Dry Creek. The quiet peaceful passive surroundings were the result of the Zisk familys' seven (7) year reclamation project "so long ago" as well as the blood and sweat and financial burdens the Zisk family endured to achieve their goals. The DEIR and FEIR as well as the complete CEQA / NEPA requirements remain silent on all of these issues and significant impacts.**

**The City of Roseville, as lead agency in the preparation of the DEIR and FEIR remains silent on the issue of the history of the Citys' attempts to reposition the physical boundaries between the Zisk property and the former Taylor property and the Citys' ownership deficiencies that exist at that location. (Parcel No. 013-040-003 and 013-040-004)**

The photographic mapping used in the DEIR and FEIR to illustrate a proposed alignment of a proposed bike trail on the north side of Dry Creek does not depict an accurate current topography of the centerline of Dry Creek and the adjacent land conditions as they currently exist in relation to a proposed bike trail alignment (Parcel(s) No.(s) 013-040-003 and 013-040-005).

The City of Roseville, as lead agency in the preparation of the DEIR and FEIR remains silent as to the presence and existence of the historical natural drainage swale that originates at Atlantic Street and the Enwood District, travels through the Zisk property and exits into Dry Creek (Parcel(s) No.(s) 013-040-003, 013-040-004 and 013-040-005).

The City of Roseville, as lead agency in the preparation of the DEIR and FEIR remains silent as to the presence and existence of the Zisk family historical, established dedeed water rights, on Assessors Parcels Numbers 013-040-003, 013-040-004 and 013-040-005.

**The City of Roseville, as lead agency in the preparation of the DEIR and FEIR remains silent as to a proposed bicycle trail alignment on the north side of Dry**

**Creek at the west end of Parcel No. 013-040-005 and 013-040-004 that would require cutting, grading and filling of the steep embankment adjacent to the narrow section of Dry Creek at that location which has protected the Zisk property from hazards of flooding since 1966. The opposite bank of this narrow section of Dry Creek has already had the placement of over six hundred (600) yards of rip-rap placed into the “floodway” channel of Dry Creek by Roberta Bechtel of 318 Maciel Drive, forming a wing dam and diverting floodwaters and currently eroding the north bank. At this same location, at the top of the north bank of Dry Creek, a proposed bike trail alignment would meet directly with a large oak tree and a large growth of elderberry bushes, which provides habitat and nourishment for the protected and endangered elderberry beetle.**

**The City of Roseville, as lead agency in the preparation of the DEIR and FEIR remains silent in attempting to overcome and conceal the thirty-two (32) years of conspiracy and tortuous conduct as described above, by falsely claiming ownership of assessors parcels 013-040-003 and 013-040-005 of the Zisk property. By taking this position in the DEIR and FEIR the city is purposefully concealing the CEQA / NEPA requirements to respond to the past, present and future "significant cumulative impacts" of a proposed alignment of a proposed bike trail on the north side of Dry Creek through the Zisk property. By taking this position the city is attempting to avoid the liabilities and responsibilities of invasion of privacy, vandalism, break-ins, thefts, trespass, property damage, noise, pollution, wildfires, and the complete destruction of the passive natural surroundings adjacent to Dry Creek that the Zisk family worked so hard to achieve so long ago. The ability of the city to maintain control of any potential trail users to stay within the confines of a proposed alignment on the north side of Dry Creek would be a near impossibility.**

The only logical and feasible and safe alternative alignment is to continue from the recently completed alignment of phase one on the south side of Miners Ravine Creek and continue beneath the Harding Boulevard bridge to the south side of Dry Creek and continue on the south side of "city owned" property on through to Lincoln Estates Park, and if so desired continue on through on "city owned" property to Evelyn Avenue. I have personally walked this portion of "city owned" property from Evelyn Avenue to Harding Boulevard on the south side of Dry Creek on several occasions and found that a narrow pathway currently exists in that area that is currently being used by both bicycles and pedestrians and is perfectly adaptable to expansion and use.

**“Public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects” (Pub. Res. Code Section 21002.)**

39. The City of Roseville is falsely claiming ownership of assessors parcels number 013-040-03 and 013-040-05 of the Zisk property. As a result William J. Zisk is being deprived of any and all due process environmental assessment participation of the proposed Harding Boulevard to Royer Park Bike trail proposal regarding NEPA compliance (23 CFR 771.117).

On **May 21, 2003** CALTRANS issued a CALTRANS and NEPA determination of Categorical Exclusion (CE): for actions that do not individually or cumulatively have a significant environmental effect and are excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). The local agency was the City of Roseville; the location was Dry Creek between Harding Blvd. and Royer Park; and the project number was CML-1582(6).

The project description: The Harding Boulevard to Royer Park Bikeway project is a proposal by the Roseville Public Works Department to construct approximately 1 mile of Class 1 bike trail along the north side of Dry Creek in the City of Roseville. This infill trail segment would include a 10-foot paved section and 1-foot shoulders. Connecting ramps and grade-separated crossings would be provided at Harding Boulevard and Folsom Road. An at grade crossing and connecting ramps would be provided at Lincoln Street.

**That determination was made, including the proposed alignment on the north side of Dry Creek, approximately eight (8) months “prior” to the determination by the City of Roseville that an environmental impact report (EIR) should be prepared for the project pursuant to the California Environmental Quality Act (CEQA – Public Resources Code Section 2100 et seq.).**

On **February 18, 2004** the Draft EIR for the Harding Boulevard to Royer Park Bikeway Project (State Clearinghouse No. 2000122078) was distributed to the public for review and comment. **All of the project alternative alignments were eliminated in the Draft EIR.**

Regarding the CALTRANS NEPA determination of Categorical Exclusion (CE). 23 CFR Section 771.117 (d) (12) states in relevant part: - - - these types of land acquisitions qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. **No project development on such land may proceed until the NEPA process has been completed. Advance acquisition is not permitted for the sole purpose of reducing the cost of property for a proposed project. The City of Roseville has intervened and trespass on the private passive surroundings of the Zisk property over thirty-two (32) years in advance of a “proposed” project.**

40. **On March 23, 2004**, pursuant to the public information act, William J. Zisk hand carried a letter directly to the City attorney Mark Doane, requesting the answer to twelve simple questions regarding the City's purported claim of ownership of all or any portion of assessors parcels number 013-040-03, 013-040-04 and 013-040-05, of the Zisk property. **Mr. Doane did not comply with an answer to any one of the 12 brief simple questions regarding the ownership issue.** Attached herewith is a copy of the two (2) page letter, dated March 23, 2004.
41. On **July 7, 2004**, William J. Zisk submitted written objections and protest during the city council meeting of July 7, 2004, **PRIOR** to the adoption of Resolution No. 04-246, certifying a final environmental impact report (FEIR) for the proposed phase II Harding Boulevard to Royer Park Bikeway project, State Clearinghouse No. 2000122078. **The issues raised and submitted during the public hearings appear to have been completely ignored and disregarded.** Attached herewith is a copy of my three (3) page letter dated July 4, 2004.
42. On **May 30, 2005**, during the dark of night, at approximately 10:15 p.m. I observed a Roseville police unit coming down my driveway very slowly at my residence at 205 Thomas Street. When the police unit reached my home it stopped and officer Jerry Wernli stepped out of his unit and abruptly stated: **"I'm going to handcuff you, I'm going to arrest you, I'm going to apprehend you and I'm going to take you in"**. When I inquired as to what the problem was, officer Wernli stated that he had received a phone call from the resident at 530 Alola Street (Bill Bird) complaining that I had been cutting my grass after dark. Officer Wernli then abruptly repeated the statement about going to handcuff me, arrest me, etc.. I informed the officer that I have been cutting my grass in the cool of the evening during the heat of the summer months throughout the past thirty-nine (39) years without any complaints from anyone. As officer Wernli returned to his police unit he abruptly stated: **"Mr. Zisk, I'd be concerned about your safety down here"?!**
43. On **June 10, 2005** the Zisk residence at 205 Thomas Street was broken into, entered and severely damaged. Eight (8) windows were broken and the entire interior was severely ram-sacked and completely trashed. Two (2) half burned fuses were left on the chesterfield in my living room in an arson attempt. A utility building that stores my sole business equipment was broken into and my tractor mower was tampered with and spray-painted. A sixteen (16) pound sledgehammer was removed and used to completely destroy every single piece of glass, including windshields, sides and rear of three (3) vehicles parked in the yard. My Peterbuilt eighteen (18) wheeler, which is my sole primary livelihood, was broken into and the interior was completely trashed rendering the 18-wheeler inoperable. Similar acts of terror have occurred prior to this **June 10, 2005** event.

44. The private quiet peaceful, passive secluded surroundings adjacent to Dry Creek that the Zisk family worked so hard to achieve so many years ago is being eroded and destroyed with public intrusion into our privacy and achievements. Trespassers are roaming throughout our entire 12.2 acre parcels; our efforts to build our American dream has been destroyed; the title to our property is being clouded and destroyed; our sole business and livelihood has been destroyed; our current residence is continuously being broken into and destroyed; our storage buildings are being broken into and destroyed; our business equipment and vehicles are being vandalized and destroyed; our posted property signs are being torn down and destroyed; our fences are being cut and destroyed; unauthorized vehicles are driving up and down and tearing up our driveway; our pets and animals are being destroyed; we have bicycle riders trespassing immediately adjacent to our residence, up and down our private driveway and throughout the entire Zisk property; our fruit trees are being stripped of their fruit; transients are setting up campsites, defecating and leaving their debris throughout; adjoining property owners are being given encroachment permits to place hundreds of cubic yards of obstructive rip-rap and rubble into the "floodway" portion of Dry Creek on the Zisk property that the Zisk family spent seven (7) years improving and reclaiming; and to add insult to injury the city is proposing to place additional obstructive rip-rap, concrete walls and obstructions into the "floodway" of Dry Creek on Zisk property; our land use and zoning to our property has been removed and destroyed and our property has been fraudulently down-zoned to permanent floodplain and open space.

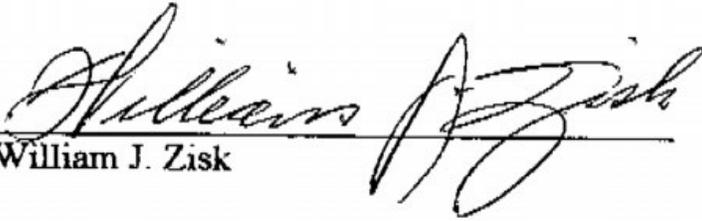
The foregoing verified statement of the history of the property of William J. Zisk and Lois E. Zisk, 205 Thomas Street, Roseville, CA 95678 is by no means adequate and complete. It is only the tip of the iceberg.

Based upon the foregoing as a directly affected thirty-nine (39) year resident property owner at 205 Thomas Street, Roseville, California, William J. Zisk hereby protests and objects to the City of Roseville 2005/06 Congestion Mitigation & Air Quality (CMAC) grant funding application for the proposed Harding Boulevard to Royer Park bikeway project.

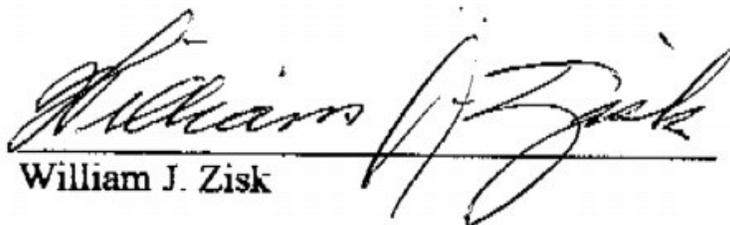
I respectfully request that any and all proposed federal CMAC grant funding specifically for the City of Roseville proposed Harding Boulevard to Royer Park Bikeway project be withheld at the present time.

As to the history of the Zisk property and assessors parcels number 013-040-003, 013-040-004, 013-040-005, I believe that a full scale and through state and federal investigation is necessary to resolve this matter.

Respectfully submitted,

  
William J. Zisk

I, William J. Zisk, Declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct and that this verified statement was executed on December 5, 2005 at Roseville, California

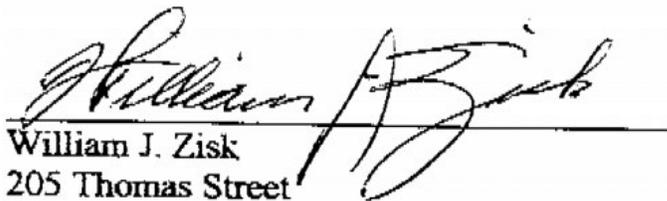
  
William J. Zisk

VERIFICATION

I have read the foregoing **OBJECTIONS / PROTEST TO CITY OF ROSEVILLE 2005/06 CONGESTION MITIGATION & AIR QUALITY (CMAC) PROJECT GRANT FUNDING APPLICATION, DATED NOVEMBER 28, 2005**, and am familiar with its content. The matters stated herein based on personal knowledge and information are true and correct. If called to testify as a witness in this matter I can competently testify as to matters of fact.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this December 5, 2005 at Roseville, California 95678

A handwritten signature in black ink, appearing to read "William J. Zisk", is written over a horizontal line. The signature is cursive and somewhat stylized.

William J. Zisk  
205 Thomas Street  
Roseville, California 95678  
Telephone: (916) 782-2233

William J. Zisk  
205 Thomas Street  
Roseville, California 95678

Telephone: (916) 782-2233

July 4, 2004

Roseville City Council  
City Council Chambers  
311 Vernon Street  
Roseville, CA 95678

Re: July 7, 2004 City Council Meeting:  
Item Number 51 on council agenda:  
Harding Boulevard to Royer Park Bikeway Project -  
Final Environmental Impact Report and Route Alignment Selection

Subject: OBJECTIONS and PROTEST to:  
Adoption of RESOLUTION NO. 04-246 certifying a final environmental impact report relating to the Harding Boulevard to Royer Park Bikeway Project, making findings of fact and statements of overriding considerations, and adopting a mitigation monitoring program; and, adoption of the preferred bikeway alignment Route A, and directing staff to pursue final design and construction of Route A consistent with the FEIR.

Mayor Rockholm and members of the City Council:

As a directly affected "HUMAN BEING" and "RESIDENT PROPERTY OWNER" during the course of the past thirty-eight (38) years, William J. Zisk hereby objects and protests the proposed certification of a DEIR and FEIR for the proposed phase II Harding Boulevard to Royer Park Bikeway Project, State Clearinghouse No. 2000122078, based upon the following grounds:

1. The DEIR and FEIR are inadequate and incomplete as to compliance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, section 15000 et. Seq.).
2. The city council, planning commission, transportation commission and staff have not proceeded in a manner required by law, its decisions are not supported by findings and the findings are not supported by substantial evidence. (Code Civ. Proc., section 1094.5, subd.(b)).
3. There is substantial evidence in the record during the thirty-eight (38) year history of the prior proceedings in the proposed project, whereby the City of Roseville instituted an action in eminent domain on parcels 013-040-03 and 013-040-05 of the private property of William J. Zisk and Lois E. Zisk for no lawful reason, whatsoever. The action was commenced on December 20, 1973 (Placer Superior Court No. 41104) on what is currently proposed as a portion of Route A, the preferred route. Prior to instituting the action in eminent domain, the City of Roseville did not have any portion of the Zisk property appraised; nor did the city make an offer of just compensation to the Zisk's; nor did the city comply with any part of Government Code section 7267.1 through 7267.7; nor did the city enter into any negotiations prior to the action in eminent domain; nor did the city demonstrate that public funds were allocated for acquisition; nor did the city have an adopted "project" on December 20, 1973; nor did the city comply

with the CEQA requirement of performing a full blown EIR prior to instituting an action in eminent domain; nor did the city fulfill the requirements of the final order in condemnation in timely paying the "Total Sum" of the Judgment into court; nor has William J. Zisk and Lois E. Zisk ever received one (1) cent in any form of compensation from the City of Roseville to the present date. The City of Roseville has deferred the CEQA requirements of an EIR for over thirty-two (32) years and is now proposing to certify a DEIR and FEIR for a proposed project that was non-existent 32 years ago, when the condemnation action, Placer County Superior Court NO. 41104 was filed in Auburn, purportedly condemning parcels 013-040-03 and 013-040-05 of the private Zisk property for a "tentative" plan for a "future" proposed bicycle trail. The California legislature and the congress of the United States has not provided any special authority to the City of Roseville to utilize the police powers to condemn private property thirty-two (32) years in advance of a "tentative plan for a future proposed project".

4. California Code of Regulations, Title 14, Chapter 3, Article 7, section 15088 (b) states:

"The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."

Section 15088.5 - Recirculation of an EIR Prior to Certification.

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

5. The project proponent virtually eliminated any and all project alignment alternatives, with the exception of Route A, prior to the draft environmental impact report going to print, thereby eliminating public comment and consideration of alternative route alignments and selection.

6. The proposed preferred alignment of a portion of proposed Route A between cross-sections 390 and 400 is erroneously shown to be delineated on private property owned by William J. Zisk and Lois E. Zisk.

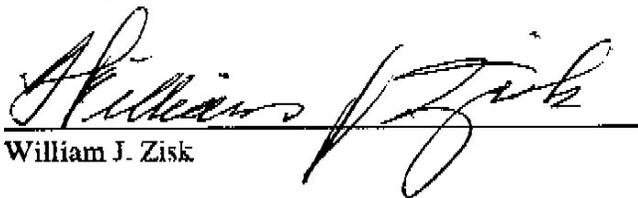
7. The DEIR and FEIR is inadequate and incomplete in regard to addressing the hydrology and flooding impacts as they relate to each of the proposed alignment alternatives. All of the proposed project alternative alignments lie within the "floodway" of Dry Creek.

8. The DEIR and FEIR is inadequate and incomplete regarding the significant impacts of any proposed grading of stream banks or fill materials and walls being placed within the floodway channel of Dry Creek between cross sections 390 and 400 of the proposed preferred alignment of Route A. The seven (7) year reclamation project conducted by the Zisk family within the Dry Creek channel between 1967 and 1973 improved the flood carrying capacity of Dry Creek by over 200% on the Zisk property. The seven year reclamation project performed by the Zisk family at a cost of over \$200,000.00 was a conditional requirement of the City of Roseville prior to issuance of a permit to construct a new home on the Zisk private property adjacent to the secluded passive surroundings created by the Zisk family adjacent to Dry Creek. Upon completion of the secluded quite passive surroundings on the Zisk private property, the city refused to issue the permit to build our new home for no lawful reason.

9. The DEIR and FEIR are inadequate and incomplete and have not been addressed in regard to the significant impacts that would be encountered on parcels 013-040-03, 013-040-04, and 013-040-05 if the proposed preferred alternative Route A were to be considered, the potential impacts of fire, theft, break-ins, vandalism, trespass, and the invasion of the privacy and the passive surroundings created by the Zisk family so long ago would be destroyed. Obviously, a cable with signs on it would not be a deterrent to the significant impacts as described above as well as the significant liabilities that would be incurred by the city if the preferred Route A were to be considered. William J. Zisk is strongly opposed to any consideration of a proposed Route A on the north bank of Dry Creek and will pursue recovery of damages in any way affiliated to the proposed implementation of a public access on the above described three parcels. On the other hand I strongly support the alternative of a continuation of the existing trail system on the south side of Dry Creek from the Harding Boulevard Bridge to Lincoln Estates Park and beyond on public property. That property is city owned and is currently being utilized by bicycles and pedestrians and was specifically dedicated by the McAntyre family for that purpose.

If you have any questions on the foregoing, please do not hesitate to contact me immediately.

Sincerely,



William J. Zisk

William J. Zisk  
205 Thomas Street  
Roseville, California 95678

Telephone: 916-782-2233  
FAX: 916-783-3408

March 20, 2004

Mark J. Doane  
City Attorney  
City of Roseville  
311 Vernon Street  
Roseville, CA 95678

RE: Parcels: 013-040-003-000  
013-040-004-000  
013-040-005-000

Subject: LEGAL TITLE OWNERSHIP

Mr. Mark J. Doane:

As the city attorney for the City of Roseville, you have publicly stated City fee simple title ownership of all or portions of parcels 013-040-003, 013-040-004, and/or 013-040-005. Pursuant to the Public Information Act, provide me with an immediate written response to the following:

1. THE EXACT DATE(S) OF PURPORTED ACQUISITION.
  
2. THE EXACT APPRAISED VALUE(S) OF EACH OF THE PURPORTED ACQUISITION(S).
  
3. THE ZONING AND LAND USE DESIGNATION OF EACH OF THE PURPORTED ACQUISITION(S) ON THE DATE(S) OF PURPORTED ACQUISITION(S).

**RECEIVED**

MAR 23 2004

**CITY ATTORNEY**



4. THE EXACT DATES OF NEGOTIATIONS FOR THE PURPORTED ACQUISITION(S).
  
5. THE EXACT REASON(S) OR PURPOSE(S) THAT REQUIRED THE PURPORTED ACQUISITION(S).
  
6. THE SPECIFIC PROJECT(S) THAT REQUIRED THE PURPORTED ACQUISITION.
  
7. THE SPECIFIC PUBLIC NECESSITY THAT REQUIRED THE PURPORTED ACQUISITION(S).
  
8. THE EXACT DATE(S) IN WHICH THE PAYMENT OF THE TOTAL SUM OF THE ACQUISITION(S) WAS PURPORTEDLY PAID TO WILLIAM J. ZISK AND LOIS E. ZISK.
  
9. THE EXACT DATE(S) IN WHICH THE CITY PURPORTEDLY TOOK POSSESSION OF THE PURPORTED ACQUISITION(S).
  
10. THE EXACT DATE(S) IN WHICH THE CITY FULFILLED THE CEQA REQUIREMENT FOR THE PURPORTED ACQUISITION(S).

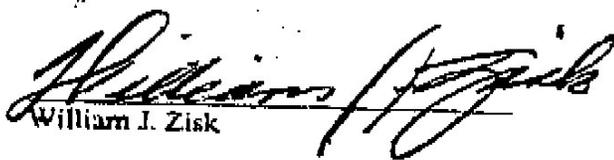
11. THE EXACT DATE(S) IN WHICH THE CITY PROVIDED A PUBLIC HEARING FOR THE BENEFIT OF WILLIAM J. ZISK AND LOIS E. ZISK REGARDING THE PURPORTED PUBLIC NECESSITY FOR THE PURPORTED ACQUISITION(S).

12. THE EXACT DATE(S) IN WHICH THE CITY ACQUIRED ANY AND ALL ADJOINING PARCEL(S), INCLUDING EXACT TOTAL ACREAGE, TOTAL APPRAISAL VALUE, AND TOTAL ACQUISITION PRICE, THE PURPOSE OR PUBLIC NECESSITY OF THE ACQUISITION(S), THE DESIGNATED ZONING AND LAND USE FOR EACH PARCEL AND THE DATE(S) IN WHICH THE CITY TOOK POSSESSION.

If you have any question(s) on the foregoing, please do not hesitate to contact me immediately at the above.

Thank you for your courtesy.

Sincerely,

  
William J. Zisk