

**TO:** James L. App, City Manager  
**FROM:** Meg Williamson, Interim Public Works Director  
**SUBJECT:** Quiet Title Action Orchard Bungalow Assessment District (OBAD)  
**DATE:** November 2, 2004

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**NEEDS:** For the City Council to consider adopting Resolution No. 04-XX to accept streets in the Orchard Bungalow Tract into the City's Maintenance System

**FACTS:**

1. The status of the streets within and adjacent to the Orchard Bungalow Assessment District has been a topic of discussion over the last few years.
2. In February 2003, those streets which were paved with Assessment District funds were accepted into the City's Maintenance System.
3. Portions of Walnut Drive and Vista Grande were constructed and paved with private funds. However, those streets have been used continuously by members of the public for many years. For these portions to be incorporated into the City's system, City Council directed staff to file a Quiet Title Action Suit.

**ANALYSIS  
AND**

**CONCLUSION:** The Quiet Title Action has been completed and judgment entered with respect to North and South Walnut Drives and a portion of Vista Grande. . The City must now adopt and record a resolution to formally accept portions of North Walnut, South Walnut and Vista Grande so that they can be incorporated into the City's Maintenance System shown on the attached map.

**FISCAL**

**IMPACT:** It is estimated that analyzed maintenance costs of these streets is \$30,000 to \$40,000.

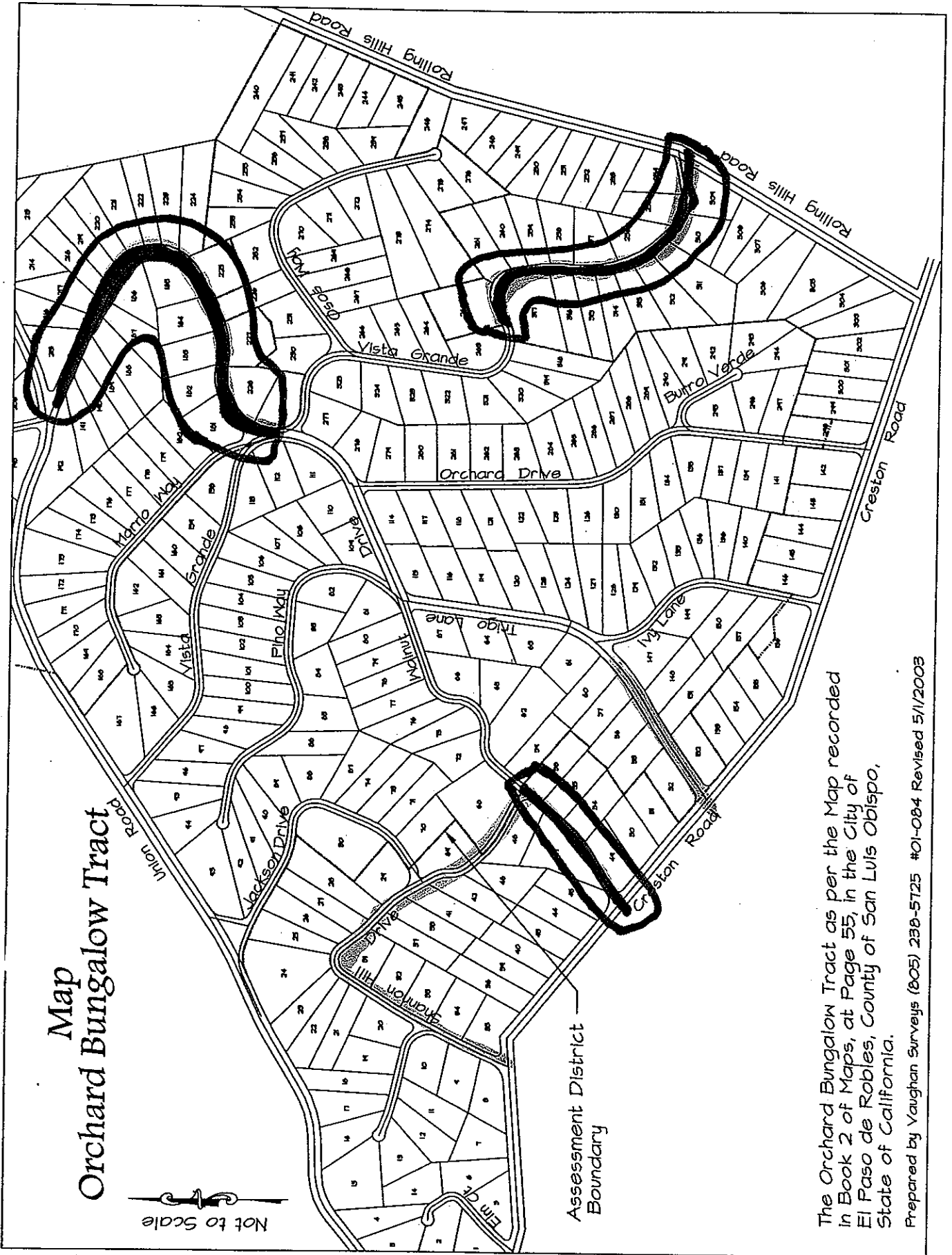
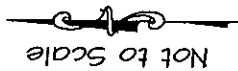
**OPTIONS:**

- a That the City Council adopts Resolution No. 04-XX accepting streets as shown on the attached exhibit into the City's Maintenance System.
- b Amend, Modify or Reject the above option

Attachments

- 1) Resolution No 04-XX

# Map Orchard Bungalow Tract



Assessment District  
Boundary

The Orchard Bungalow Tract as per the Map recorded  
in Book 2 of Maps, at Page 55, in the City of  
El Paso de Robles, County of San Luis Obispo,  
State of California.

Prepared by Vaughan Surveys (805) 288-5725 #01-084 Revised 5/1/2003

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

The City of El Paso de Robles  
1000 Spring Street  
Paso Robles, CA 93446

Attn: DITAS ESPERANZA

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RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ACCEPTING CERTAIN STREETS WITHIN THE ORCHARD BUNGALOW TRACT  
INTO THE CITY'S STREET SYSTEM

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WHEREAS, the Orchard Bungalow Tract (herein referred to as "Tract"), as recorded in Book 2 of Maps, at page 55, in the City of El Paso de Robles, County of San Luis Obispo, State of California, was originally located in the unincorporated area of the County of San Luis Obispo and was established with the recordation of a final map in November 1920; and

WHEREAS, the original Tract Map provided that the streets within the Tract were not to be dedicated to the public but were reserved as private streets to the owners, their heirs and assigns; and

WHEREAS, the original Tract Map, including the description of street right-of-ways, is incorporated into this Resolution herein by reference; and

WHEREAS, on March 3, 1977, the Tract was annexed to the City of El Paso de Robles (herein "City") as Annexation No. 31 by Resolution No. 77-2 of the San Luis Obispo Local Area Formation Commission; and

WHEREAS, in 1980, the developer requested the City assist in forming the Orchard Bungalow Assessment District ("OBAD") which encompassed a portion of the property within the Tract, pursuant to the Municipal Improvement Act of 1913, for the purposes of, among others, installing water mains and sewer mains and constructing street paving (herein "Improvements"); and

WHEREAS, the City Council adopted Resolution No. 2631, which formed OBAD pursuant to the Municipal Improvement Bond Act of 1913 and the Improvement Bond Act of 1915; and

WHEREAS, certain other street segments within the Tract but outside of OBAD connect the OBAD streets to three major City streets; and

WHEREAS, the street segments within the Tract but outside of OBAD have not been constructed to current City standards, have generally not been improved with curbs, gutters and sidewalks, and have not been uniformly paved or in some instances paved at all; and

WHEREAS, these street segments have been used by members of the general public since they were initially constructed; and

WHEREAS, in February 2001, after numerous public hearings and separate meetings with various residents, the City Council directed City Staff to initiate proceedings to include all streets within the Orchard Bungalow Tract into the City's street maintenance system, including those streets within OBAD, as well as the street segments outside of OBAD; and

WHEREAS, the City Council on February 18, 2003 accepted certain streets within the Orchard Bungalow Assessment District into its street system but did not accept the street segments outside of OBAD but within the Tract; and

WHEREAS, on October 23, 2003, the City filed a "quiet title" action related to those street segments within the Tract but outside of OBAD; and

WHEREAS, on September 3, 2004, the City obtained a judgment from the San Luis Obispo County Superior Court that the City was and is the sole owner of the title to the portion of Vista Grande fronting Lots 254-262 and Lots 309-317, the portion of Walnut Drive fronting Lots 112, 181-192 and Lots 215-229, and the portion of Walnut Drive fronting Lots 45, 47-49, 54, 55 and 58; and

WHEREAS, the City now desires to accept those street segments within the Tract but outside OBAD, for which it has obtained a judgment in the quiet title action, into the City's street system.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

SECTION 1. The above Recitals are true and correct and are incorporated into this Resolution by reference.

SECTION 2. Subject to the conditions set forth in this Resolution, the following portions of streets are hereby accepted into the City's maintenance program in their current condition to be maintained as non-standard City streets:

- a. Vista Grande from the Rolling Hills Road intersection to the portion of the street adjacent to lots 262 and 317;
- b. Walnut Drive from the Union Road intersection to the portion of the street adjacent to lots 229 and 112; and
- c. Walnut Drive from the Creston Road intersection to the intersection of Shannon Hill Drive.

A map showing the general location of the above-listed street segments is attached hereto as **Exhibit A** and incorporated herein by reference. A legal description of the above-listed street segments being accepted into the City's maintenance system is attached hereto as **Exhibit B** and incorporated herein by reference.

SECTION 3. The City shall maintain the above-listed street segments on a schedule and in the manner established by the City.

SECTION 4. The City may, but shall not be required to, construct curbs, gutters or sidewalks along the above-listed street segments pursuant to this Resolution.

SECTION 5. Subject to the conditions set forth in this Resolution, the street segments designated in this Resolution are hereby accepted by the City for the purposes of maintenance. Although the current width of such street segments is less than forty (40) feet, the City Council hereby determines that it is necessary for the public convenience and necessity to accept such street segments into the City's street system. This determination is based upon the continuing use of such street segments by members of the public and the need for potential future expansion of the streets and street segments if the City determines that such expansion is necessary for the public health, safety and welfare.

SECTION 6. As a specific condition to acceptance by the City of the street segments designated herein, all speed humps and any other traffic control devices located on or about such streets and street segments that do not conform to City standards shall be removed. Furthermore, any encroachments into the right-of-way may be removed by City if such right-of-way is needed for City street purposes.

SECTION 7. The City Engineer, pursuant to Section 12.32.110 of the City Municipal Code, is authorized to place signs and markings indicating "No Parking" upon any streets within the Tract for purposes of allowing emergency vehicles to safely travel on the streets within the Tract.

SECTION 8. The City Clerk is hereby authorized to cause a copy of this Resolution to be recorded in the official records of the County of San Luis Obispo.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 2<sup>nd</sup> day of November 2004 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

Legal Description

Those portions of roads within the Orchard Bungalow Tract as per the Map recorded in Book 2 of Maps, at Page 55, in the City of El Paso de Robles, County of San Luis Obispo, State of California, more particularly described as follows:

Parcel A (Walnut Drive):

That portion of unnamed road presently known as Walnut Drive fronting Lots 45, 47, 48, 49, 54, 55 and 58 as shown on said Map.

Parcel B (Walnut Drive):

That portion of unnamed road presently known as Walnut Drive fronting Lots 112, 181-192 and 215-229 as shown on said Map.

Parcel C (Vista Grande):

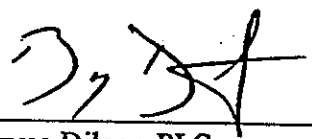
That portion of unnamed road presently known as Vista Grande fronting Lots 254-262 and Lots 309-317 as shown on said Map.

Parcel D (Trigo Lane):

~~That portion of unnamed road presently known as Trigo Lane fronting Lots 52, 53, 56, 57, 60, 61, 124, 127, 147, 148, 151 and 152 as shown on said Map.~~

Parcel E (Shannon Hill Drive):

~~That portion of unnamed road presently known as Shannon Hill Drive fronting Lots 8-10, 20-29, 31-35, 37, 38, 41, 42, 46, 48, 68 and 69 as shown on said Map.~~

  
Bryce Dilger, PLS

9/18/2003  
Date

