

TO: James L. App, City Manager

FROM: Robert A. Lata, Community Development Director

SUBJECT: Acceptance of Tract 2571, (Doya Partners, LLC) for Recordation, Execution of Subdivision Improvement Agreement, and Annexation into the Landscape and Lighting Maintenance District

DATE: November 16, 2004

Needs: That the City Council consider taking a series of three steps toward finalizing development plans for a residential subdivision.

Facts:

1. The applicants, Doya Partners, LLC, have requested that Tract 2571 be accepted by the City for recordation. Tract 2571 is a 35-lot subdivision of a 19.5-acre site located along the easterly extension of Montebello Oaks Drive from the east boundary of Montebello Estates (Tract 2369) to Union Road and the southerly extension of Arciero Way to Montebello Oaks Drive (see Attachment 1).
2. Since the required public improvements have not been completed, the applicants have signed a Subdivision Improvement Agreement guaranteeing the construction of these improvements within a one-year period. Payment and Performance Bonds have been submitted and placed on file in the office of the City Engineer.
3. The applicants have signed a petition and voted in favor of annexation into the Landscape and Lighting District.

**Analysis
and**

Conclusion: Tract 2571 was originally approved by the Planning Commission on March 9, 2004. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission have been satisfied.

The Subdivision Map Act and the City of Paso Robles Municipal Code authorizes acceptance of final maps when securities have been posted guaranteeing construction of public improvements.

Acceptance of public improvements and release of the securities occurs only after these improvements have been constructed to the satisfaction of the City Engineer and following the adoption of a resolution of acceptance by the City Council.

Policy

Reference: California Government Code Section 66462 (“Subdivision Map Act”)
Paso Robles Municipal Code Section 22.16.160

Fiscal

Impact: None.

Options: That the City Council accept the subject map and agreement by taking the following actions:

- a. **(1)** Adopt Resolution No. 04-xx accepting the recordation of Tract 2571, a 35-lot subdivision located along the easterly extension of Montebello Oaks Drive from Montebello Estates to Union Road, and approving the Subdivision Improvement Agreement for Tract 2571 guaranteeing the construction of the subdivision improvements, with an established deadline of November 2, 2005, to complete these improvements, and authorizing the Mayor to execute the Agreement; and
- (2)** Adopt Resolution No. 04-xx annexing Tract 2571 into the Landscape and Lighting District.
- b. Amend, modify or reject the above option.

Attachments: (3)

- 1) Vicinity and Tract Maps
- 2) Resolution Final Map
- 3) Resolution L & L

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

Attn.: Ditas Esperanza

FOR RECORDERS USE ONLY

RESOLUTION NO. 04-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ANNEXING TRACT 2571 AS PART OF SUBAREA 91 TO THE
“PASO ROBLES LANDSCAPE AND LIGHTING DISTRICT NO. 1”
(STREETS AND HIGHWAYS CODE SECTIONS 22500, ET SEQ.)

WHEREAS, the owner of the real property described in Exhibit ‘A’ has petitioned for annex TRACT 2571 into the Paso Robles Landscape and Lighting District No. 1 (“District”).

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

SECTION 1. That the City Council of the City of Paso Robles does hereby declare that the real property located in the City of Paso Robles, County of San Luis Obispo, as more particularly described in Exhibit ‘A’ hereto, is hereby annexed into the District and that all landscape and lighting improvements required as conditions of approval of TRACT 2571 be installed by the developer.

SECTION 2. That the City Council of the City of Paso Robles does hereby declare that the current owner of the real property, according to the Petition for Formation of the District, is Doya Partners, LLC.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for TRACT 2571 shall begin with Fiscal Year 2005-2006.

SECTION 4. That the City Council for the City of Paso Robles does hereby declare that the area annexed shall be designated Paso Robles Landscape and Lighting District No. 1, as part of Sub-Area 91.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of November 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING AND APPROVING THE EXECUTION AND RECORDATION
OF THE FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR
TRACT 2571 (DOYA PARTNERS, LLC)

WHEREAS, the Developer has met all conditions of the tentative map, has posted payment and performance securities to guarantee the installation of public improvements, and submitted a certificate of insurance; and

WHEREAS, City staff has reviewed the final tract map and finds it to be in substantial conformance with the approved tentative map and technically correct.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council of the City of Paso Robles does hereby approve the final map for Tract 2571, and authorize the execution and recordation of the tract map.

SECTION 2. That the City Council of the City of Paso Robles does hereby accept the Performance and Payment securities posted to guarantee the installation of the public improvements.

SECTION 3. That the City Council of the City of Paso Robles accept the offers of dedication for public open space, for Montebello Oaks Drive, Gina Court, and Arciero Way, public tree planting easements, public drainage, water and sewer easements, and public utility easements as shown on the final map.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of November 2004 by the following vote:

AYES:

NOES:

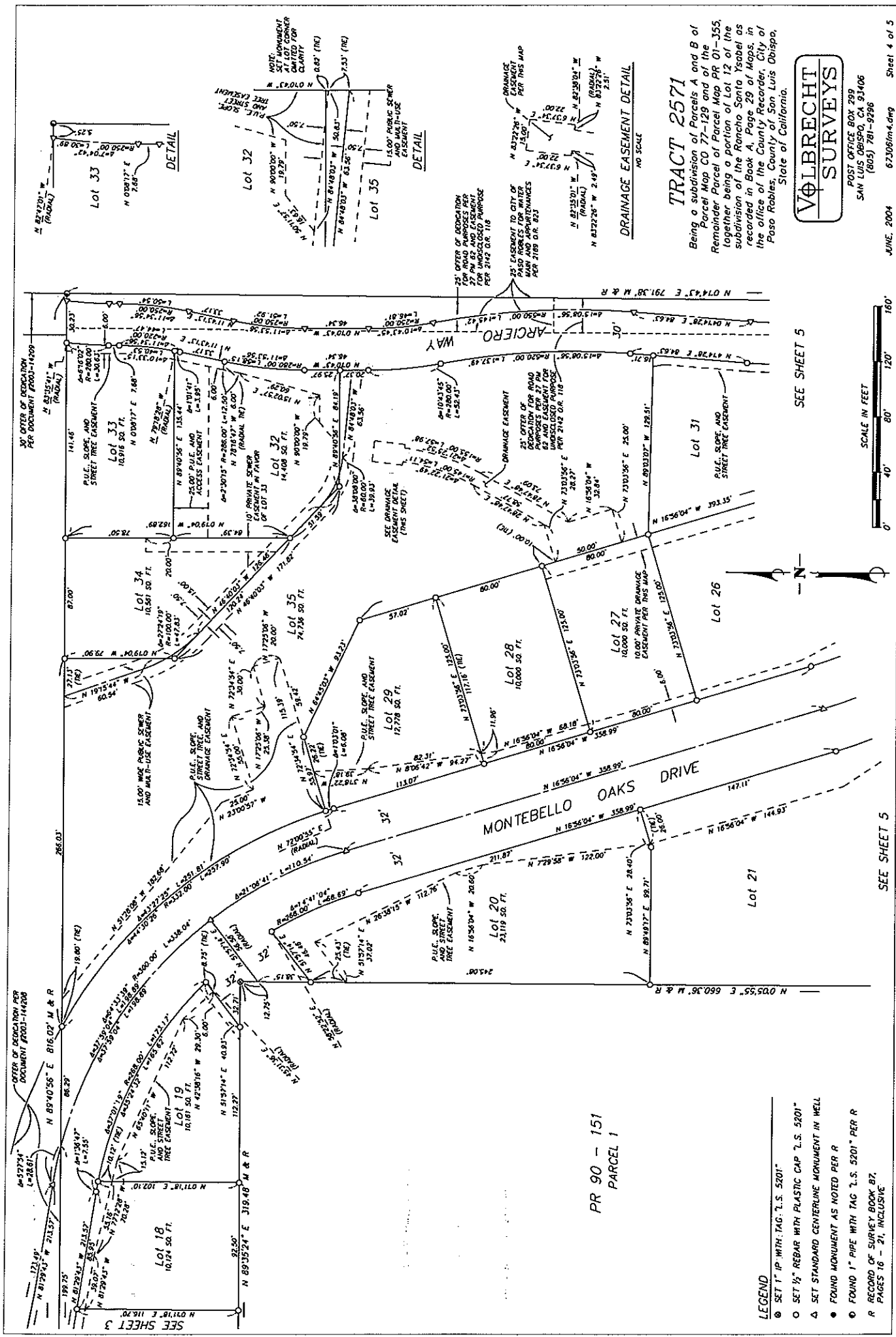
ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk



TRACT 2571
 Being a subdivision of Parcels A and B of Parcel Map CO. 77-129 and on the Remainder Parcel of Parcel Map PR 01-355, together being a portion of Lot 12 of the subdivision of the Rancho Santa Ysabel as recorded in Book A, Page 29 of Maps, in the office of the County Recorder, City of Poso Robles, County of San Luis Obispo, State of California.



POST OFFICE BOX 299
 SAN LUIS OBISPO, CA 93406
 (805) 781-9296

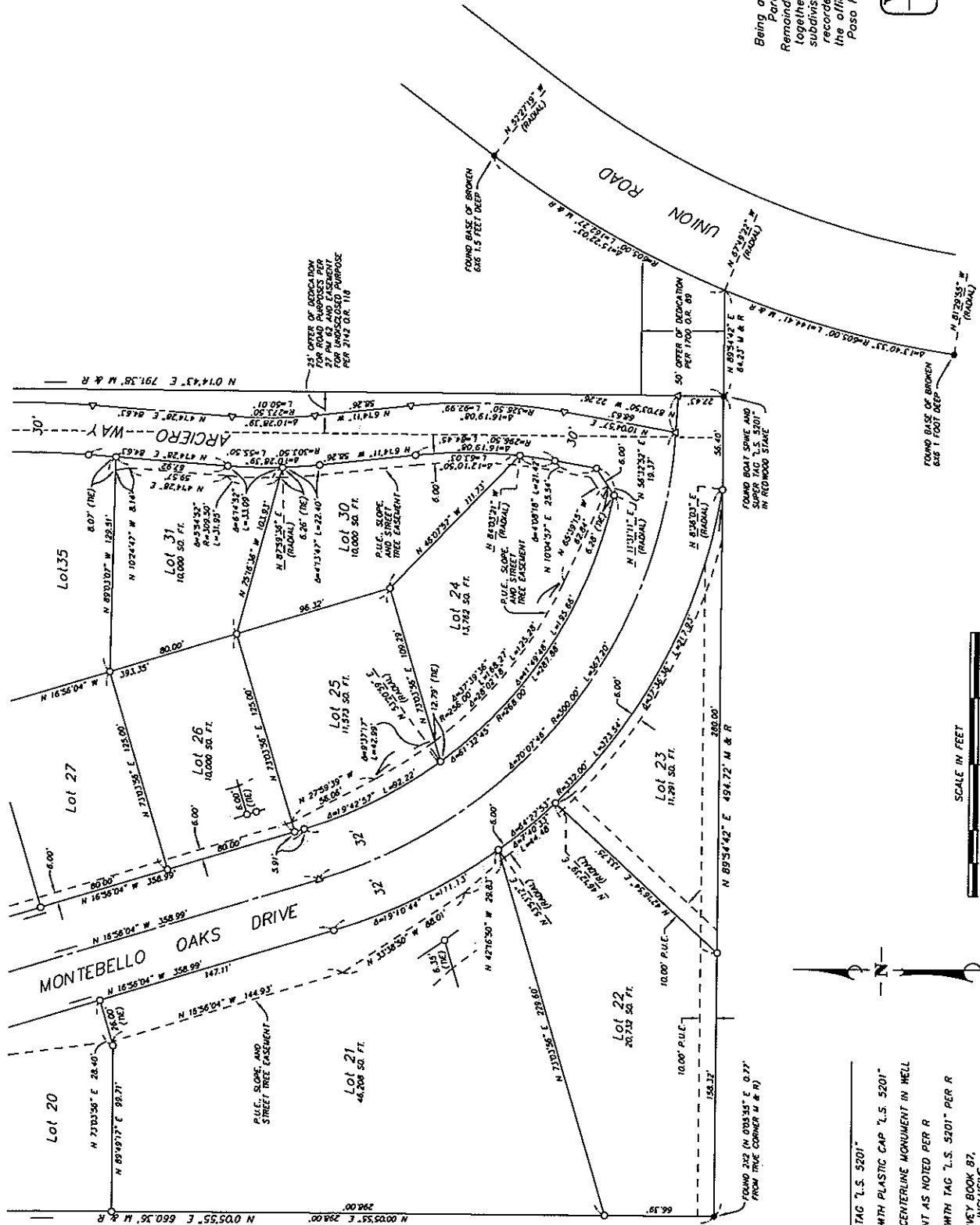
SEE SHEET 5

SEE SHEET 5

PR 90 - 151
 PARCEL 1

- LEGEND**
- SET 1" IP WITH TAG "L.S. 5201"
 - SET 1/2" REBAR WITH PLASTIC CAP "L.S. 5201"
 - △ SET STANDARD CENTERLINE MONUMENT IN WELL
 - FOUND MONUMENT AS NOTED PER R
 - FOUND 1" PIPE WITH TAG "L.S. 5201" PER R
 - R RECORD OF SURVEY BOOK 87, PAGES 16 - 21, INCLUSIVE

SEE SHEET 4



PR 90 - 151
PARCEL 1

TRACT 2571
Being a subdivision of Parcels A and B of Parcel Map CO 77-129 and of the Remainder Parcel of Parcel Map PR 01-355, Together being a portion of Lot 12 of the subdivision of the Rancho Santa Ysobel as recorded in Book A, Page 29 of Maps, in the office of the County Recorder, City of Poso Robles, County of San Luis Obispo, State of California.



POST OFFICE BOX 299
SAN LUIS OBISPO, CA 93106
(805) 781-9286

JUNE, 2004 67306fm4.dwg Sheet 5 of 5

- LEGEND**
- SET 1" IP WITH TAG "L.S. 5201"
 - SET 1/2" REBAR WITH PLASTIC CAP "L.S. 5201"
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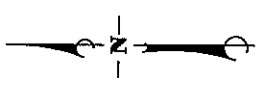
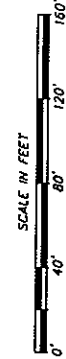


Exhibit "A"

The map hereinbefore referred to is a subdivision of:
PARCEL 1:

Remainder of Parcel Map PR 01-0355, in the City of Paso Robles, County of San Luis Obispo, State of California, according to map recorded June 23, 2003 in Book 58, Pages 89 and 90 of Parcel Maps. Except therefrom all of the oil, gas, asphaltum, and other hydrocarbon substances of whatever nature the same might be contained in and under the said property, commencing at a depth of 500 feet below the surface thereof; together with the right of ingress and egress below the depth of 500 feet from the surface only; for the purpose of exploring, developing, and extracting the said substances below 500 feet from the surface of the property, excluding any right of surface entry as reserved in deed recorded December 5, 1972 in Book 1700, Page 83 of Official Records.

PARCEL 2:

Parcel A of Parcel Map No. CO-77-129, in the County of San Luis Obispo, State of California, according to map recorded February 15, 1979 in Book 27, Page 62 of Parcel Maps. Excepting therefrom an undivided 1/2 interest in all oil, gas and other hydrocarbon substances and minerals in, on or under said land as reserved by Clinton R. Maddux and Ellen Bernice Maddux, husband and wife in deed dated April 13, 1949 and recorded May 13, 1949 in Book 522, Page 325 of Official Records, which provides however that in the event oil, gas and other hydrocarbon substances or minerals are not discovered in commercial quantities before March 11, 1964, all right, title and interest of the grantors in said reservations shall automatically cease and terminate, and said undivided 1/2 interest shall pass to the grantee without further action of the parties. PARCEL 3: Parcel B of Parcel Map No. CO-77-129, in the County of San Luis Obispo, State of California, according to map recorded February 15, 1979 in Book 27, Page 62 of Parcel Maps. Excepting therefrom an undivided 1/2 interest in all oil, gas and other hydrocarbon substances and minerals in, on or under said land as reserved by Clinton R. Maddux and Ellen Bernice Maddux, husband and wife in deed dated April 13, 1949 and recorded May 13, 1949 in Book 522, Page 325 of Official Records, which provides however that in the event oil, gas and other hydrocarbon substances or minerals are not discovered in commercial quantities before March 11, 1964, all right, title and interest of the grantors in said reservations shall automatically cease and terminate, and said undivided 1/2 interest shall pass to the grantee without further action of the parties.