

TO: James L. App, City Manager

FROM: Robert A. Lata, Community Development Director

SUBJECT: Acceptance of Tract 2350 Phase 4, Lots 138-175 (Weyrich Development Company) for Recordation, Execution of Subdivision Improvement Agreement, and Annexation into the Landscape and Lighting Maintenance District

DATE: July 19, 2005

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

- Facts:**
1. The applicant, Weyrich Development Company, has requested that Tract 2350 Phase 4 be accepted by the City for recordation. Tract 2350 Phase 4 is a 38-lot subdivision of a 13.28-acre site, located along the extension of Vista Cerro Drive, between Golden Hill Road and Rolling Hills Road (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 & Conclusion: Tract 2350 was originally approved by the Planning Commission on November 23, 1999. 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. 05-xx accepting the recordation of Tract 2350, Phase 4, a 38-lot subdivision located at the southerly corner of Golden Hill Road and Rolling Hills Road; and approving the Subdivision Improvement Agreement for Tract 2350, Phase 4, guaranteeing the construction of the subdivision improvements, with an established deadline of July 19, 2006, to complete these improvements, and authorizing the Mayor to execute the Agreement; and
- (2)** Adopt Resolution No. 05-xx annexing Tract 2350, Phase 4, into the Landscape and Lighting District.
- b.** Amend, modify, or reject the above option.

Attachments: (3)

- 1) Vicinity Map/Reduced size tract map
- 2) Resolution Final Map
- 3) Resolution L & L

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE OWNERS OF, AND ALL RECORDHOLDERS OF SECURITY INTEREST IN AND ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION AND PROJECT SHOWN ON THIS MAP, AND THAT EACH OF US DOES HEREBY CONSENT TO THE FILING AND/OR RECORDATION OF THIS MAP. WE HEREBY RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS FOR THE USE AND THE BENEFIT OF THE SEVERAL PUBLIC UTILITY COMPANIES WHICH ARE AUTHORIZED TO SERVE IN SAID SUBDIVISION, EASEMENTS FOR PUBLIC UTILITY PURPOSES AS DELINEATED ON SAID MAP AS "P.U.E." OR "PUBLIC UTILITY EASEMENT". WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE VISTA COLINA, VISTA CERRO DRIVE AND STREET TREE EASEMENT AS DELINEATED ON SAID MAP.

WEYRICH DEVELOPMENT COMPANY, INC., A CALIFORNIA CORPORATION

SIGNATURE _____ DATE _____
PRINT NAME AND TITLE: _____

SIGNATURE _____ DATE _____
PRINT NAME AND TITLE: _____

NOTARY

STATE OF CALIFORNIA)
COUNTY OF _____) S.S.

ON _____, BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND, _____ COMMISSION NO.: _____
SIGNATURE: _____ COUNTY OF: _____
PRINTED NAME: _____ MY COMMISSION EXPIRES: _____

NOTARY

STATE OF CALIFORNIA)
COUNTY OF _____) S.S.

ON _____, BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND, _____ COMMISSION NO.: _____
SIGNATURE: _____ COUNTY OF: _____
PRINTED NAME: _____ MY COMMISSION EXPIRES: _____



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Jerry Michael, REC 36895, LS 6376 • Michael Stanton, PLS 5702

BENEFICIARY STATEMENT

HERITAGE OAKS BANK, AS BENEFICIARY UNDER DEED OF TRUST RECORDED DECEMBER 11, 2003 UNDER RECORDER'S INSTRUMENT NUMBER 2003-140245 OF OFFICIAL RECORDS.

BY: _____
SIGNATURE _____
PRINT NAME AND TITLE: _____

BY: _____
SIGNATURE _____
PRINT NAME AND TITLE: _____

NOTARY

STATE OF _____)
COUNTY OF _____) S.S.

ON _____, BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND, _____ COMMISSION NO.: _____
SIGNATURE: _____ COUNTY OF: _____
PRINTED NAME: _____ MY COMMISSION EXPIRES: _____

NOTARY

STATE OF _____)
COUNTY OF _____) S.S.

ON _____, BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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BY: _____
SIGNATURE _____
PRINT NAME AND TITLE: _____

BY: _____
SIGNATURE _____
PRINT NAME AND TITLE: _____

NOTARY

STATE OF _____)
COUNTY OF _____) S.S.

ON _____, BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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SIGNATURE: _____ COUNTY OF: _____
PRINTED NAME: _____ MY COMMISSION EXPIRES: _____

NOTARY

STATE OF _____)
COUNTY OF _____) S.S.

ON _____, BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____ KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND, _____ COMMISSION NO.: _____
SIGNATURE: _____ COUNTY OF: _____
PRINTED NAME: _____ MY COMMISSION EXPIRES: _____

**TRACT 2350
(PHASE 4)**

REMAINDER LOT OF TRACT 2350 (PHASE 3) IN THE CITY OF PASO ROBLES AS SHOWN IN BOOK 23 OF MAPS, PAGES 27 THROUGH 32 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

JUNE, 2004

SHEET 1 OF 5

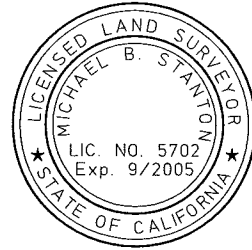
CHICAGO TITLE COMPANY ORDER No. 265754-B

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF WEYRICH DEVELOPMENT COMPANY ON DECEMBER 10, 2001. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. ALL THE MONUMENTS SHOWN HEREON ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN SUCH POSITIONS WITHIN ONE YEAR OF THE APPROVAL OF THIS MAP AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

MICHAEL B. STANTON, L.S. 5702 (exp. 9/2005)

DATE



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED TRACT 2350 (PHASE 4), THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

JOHN R. FALKENSTEIN, R.C.E. 33760 (exp. 6/30/06)
CITY ENGINEER, CITY OF PASO ROBLES

DATE

PLANNING COMMISSION'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE MAP FOR TRACT 2350 (PHASE 4) AND I AM SATISFIED THAT SAID MAP CONFORMS WITH THE ACTION TAKEN BY THE CITY OF PASO ROBLES TAKEN ON _____ 2004.

ROBERT A LATA
COMMUNITY DEVELOPMENT DIRECTOR

DATE

CITY CLERK'S STATEMENT

I, DENNIS FANSLER, CITY CLERK OF THE CITY OF PASO ROBLES, CALIFORNIA HEREBY STATE THAT THE CITY COUNCIL OF THE SAID CITY DID ON THE _____ DAY OF _____, 2004, APPROVE THE MAP OF TRACT 2350 (PHASE 4) SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC, VISTA COLINA, VISTA CERRO DRIVE, EASEMENTS FOR STREET TREE PURPOSES TO TERMS OF OFFER OF DEDICATION BY THE PARTIES HAVING A RECORD TITLE INTEREST IN SAID LAND.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2004.

DENNIS FANSLER
CITY CLERK OF THE CITY OF PASO ROBLES

DATE

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2004 AT _____ A.M. IN BOOK _____ OF MAPS, AT PAGE _____, AT THE REQUEST OF MICHAEL B. STANTON.

DOCUMENT NO: _____

FEE: _____

COUNTY RECORDER

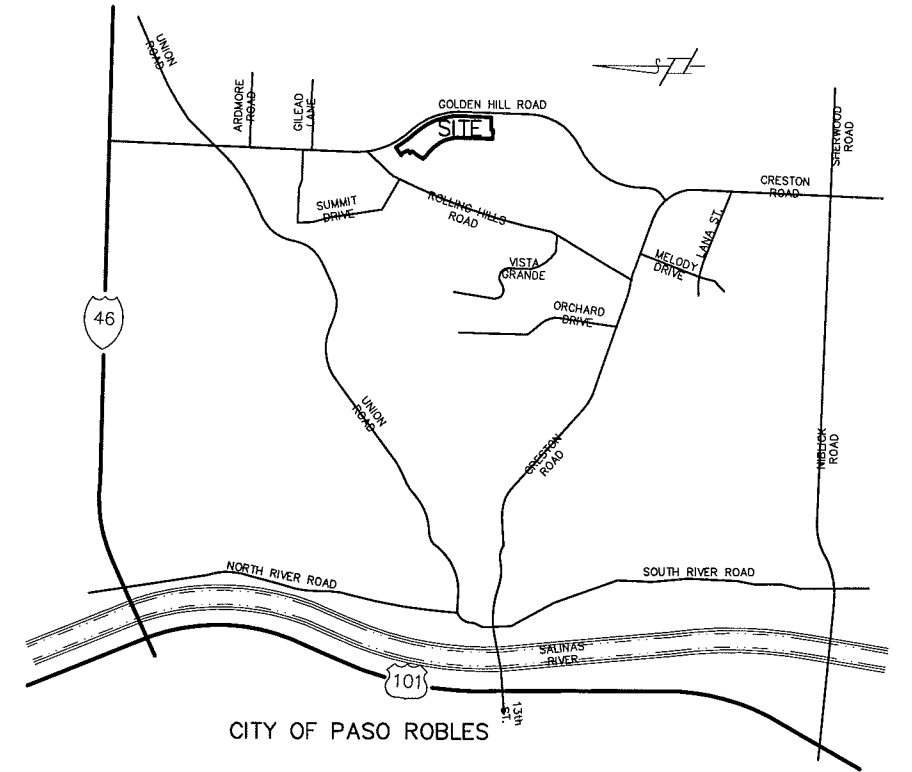
BY: _____
DEPUTY

NOTE: THE FOLLOWING DOCUMENTS AFFECTING THE PROPERTY DENOTED HEREON ARE BEING RECORDED CONCURRENTLY HEREWITH:

1. _____

RECORDER'S DISCLAIMER

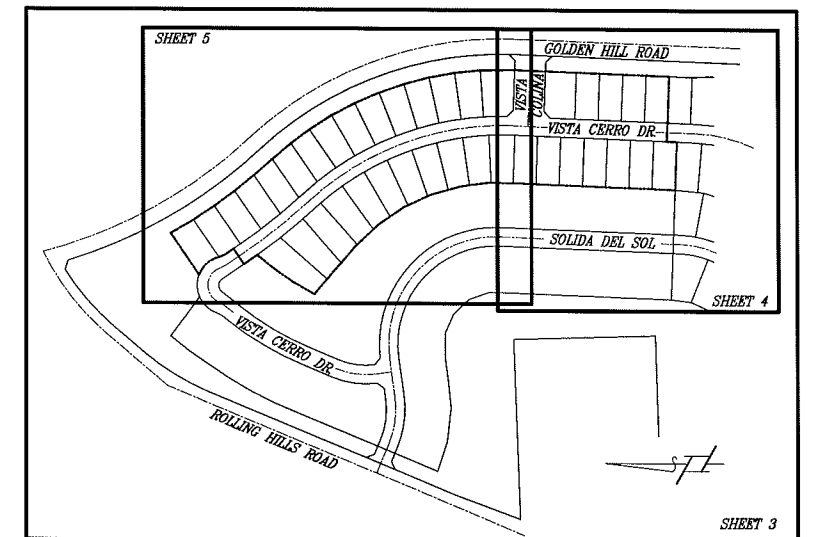
THE TABULATION, LISTING AND NUMBERING OF ANY SEPARATE DOCUMENTS AUTHORIZED TO BE RECORDED CONCURRENTLY WITH THIS MAP HAVE BEEN PROVIDED BY THE SUBDIVIDER OR BY THE LOCAL AGENCY APPROVING THE MAP. THE COUNTY RECORDER MAKES NO REPRESENTATIONS REGARDING THE ACCURACY OF THE TABULATION, LISTING AND NUMBERING OF ANY SEPARATE DOCUMENTS REFERRED TO ON THE MAP.



CITY OF PASO ROBLES

VICINITY MAP

N.T.S.



INDEX MAP

N.T.S.

TRACT 2350

(PHASE 4)

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JUNE, 2004

SHEET 2 OF 5

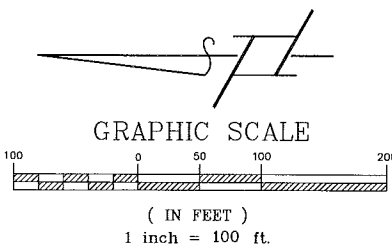


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Jerry Michael, RCE 36895, LS 6376 • Michael Stanton, PLS 5702

LEGEND

- SET 5/8" REBAR WITH CAP "L.S. 5702"
- ⊕ SET TAG "L.S. 5702" (SEE DETAIL 'A')
- △ SET BRASS CAP, STAMPED "LS 5702" IN CITY MONUMENT WELL
- ✱ FOUND 5/8" REBAR, CAP "LS 5702" PER R, ACCEPTED
- FOUND 5/8" REBAR, CAP "LS 5139" PER R, ACCEPTED
- FOUND TAG "LS 5139", NO RECORD, ACCEPTED FOR POINT ON LINE OR PROLONGATION
- ▲ FOUND BRASS CAP, STAMPED "LS 5139" IN CITY MONUMENT WELL PER R
- M MEASURED
- R RECORD PER 23-MB-27 THRU 32



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS BETWEEN FOUND MONUMENTS, BEARING BEING N02°09'32"E PER R.

1 FOOT PROLONGATION OF SIDELINE OF LOT LINE (TYP)

DETAIL 'A'
N.T.S.

DETAIL 'B'
N.T.S.

DETAIL 'C'
N.T.S.

CURVE DATA			
CURVE	DELTA	RADIUS	LENGTH
C1	21°24'12"	50.00'	18.68'



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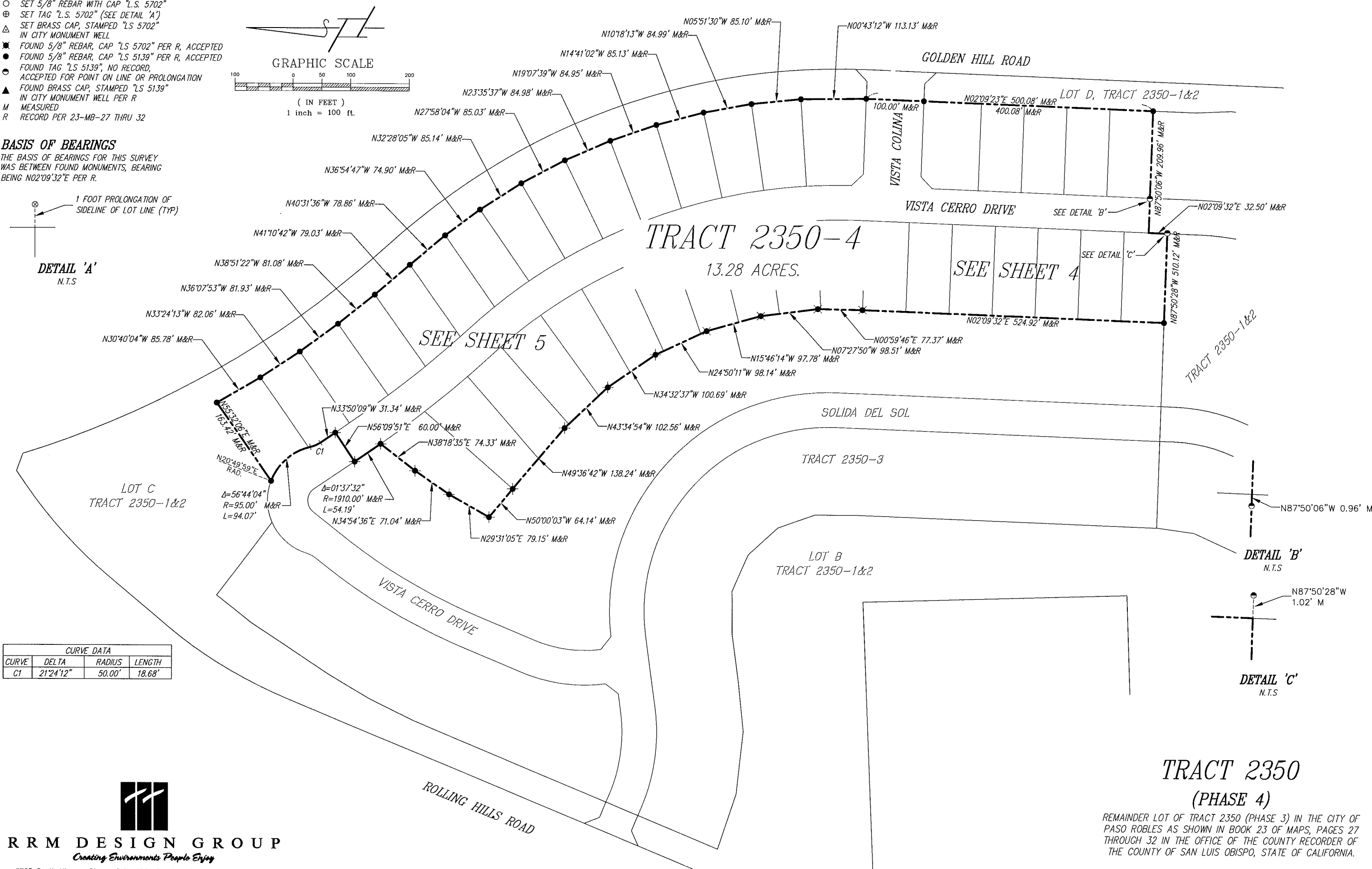
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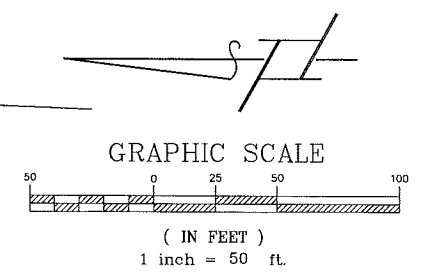
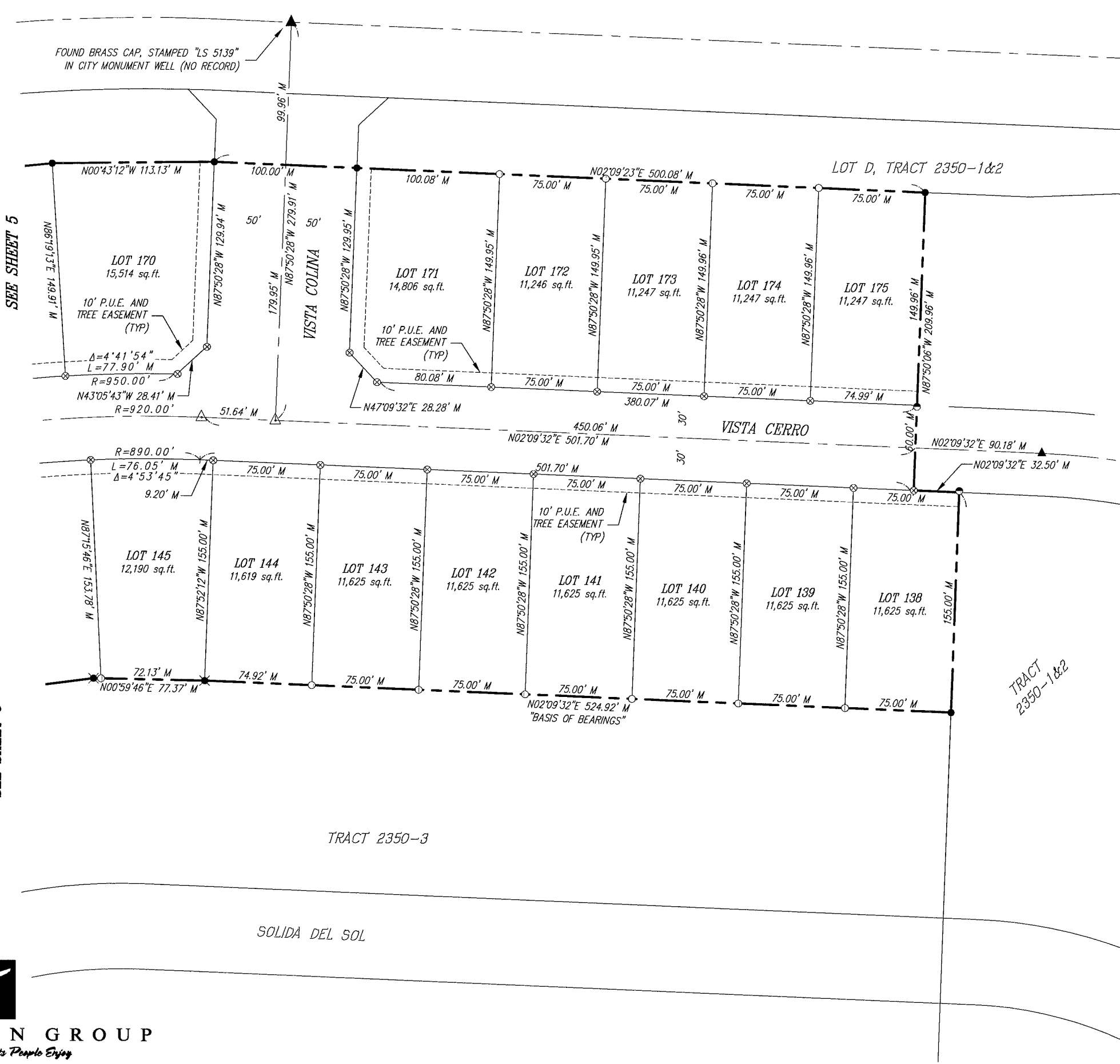
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(PHASE 4)

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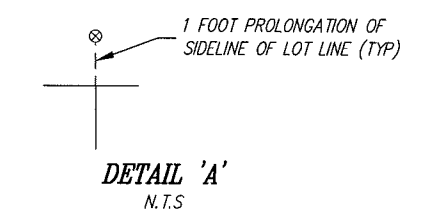
SHEET 3 OF 5





- LEGEND**
- SET 5/8" REBAR WITH CAP "L.S. 5702"
 - ⊙ SET TAG "L.S. 5702" (SEE DETAIL 'A')
 - △ SET BRASS CAP, STAMPED "LS 5702" IN CITY MONUMENT WELL
 - ⊛ FOUND 5/8" REBAR, CAP "LS 5702" PER R, ACCEPTED
 - FOUND 5/8" REBAR, CAP "LS 5139" PER R, ACCEPTED
 - FOUND TAG "LS 5139", NO RECORD, ACCEPTED FOR POINT ON LINE OR PROLONGATION
 - ▲ FOUND BRASS CAP, STAMPED "LS 5139" IN CITY MONUMENT WELL PER R
 - M MEASURED
 - R RECORD PER 23-MB-27 THRU 32

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS SURVEY WAS BETWEEN FOUND MONUMENTS, BEARING BEING N02°09'32"E PER R.



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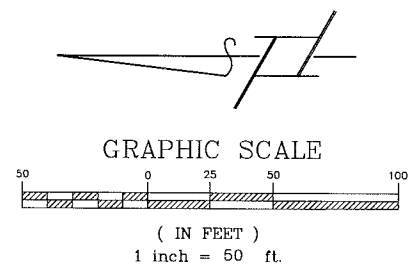
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(PHASE 4)

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JUNE, 2004
SHEET 4 OF 5



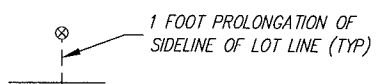
CURVE DATA			
CURVE	DELTA	RADIUS	LENGTH
C1	21°24'12"	50.00'	18.68'

LEGEND

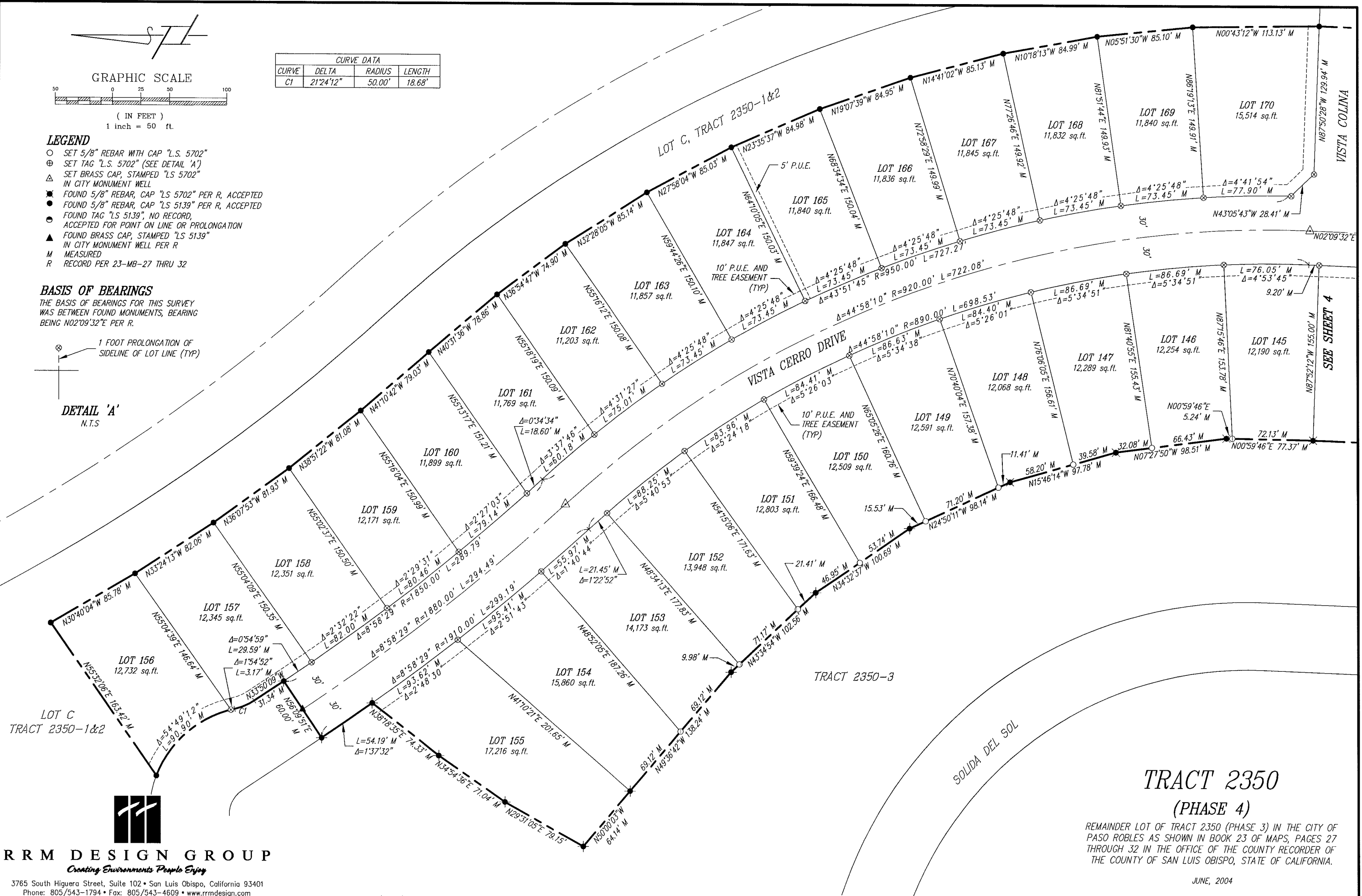
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- ⊕ SET TAG "L.S. 5702" (SEE DETAIL 'A')
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- ▲ FOUND BRASS CAP, STAMPED "LS 5139" IN CITY MONUMENT WELL PER R
- M MEASURED
- R RECORD PER 23-MB-27 THRU 32

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS BETWEEN FOUND MONUMENTS, BEARING BEING N02°09'32"E PER R.



DETAIL 'A'
N.T.S.



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TRACT 2350
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JUNE, 2004

SHEET 5 OF 5

RESOLUTION NO. 05-

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 2350, PHASE 4 (LOTS 138-175)
(WEYRICH DEVELOPMENT CO.)

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 2350, Phase 4, 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 Vista Colina, Vista Cerro Drive, public tree planting, and public utility easements as shown on the final map.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 19th day of July 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

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, P.E.

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ANNEXING TRACT 2350 (PHASE 4) AS PART OF SUBAREA 72C 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 to annex Tract 2350 (Phase 4) into the Paso Robles Landscape and Lighting District No. 1 ("District").

NOW, THEREFORE, BE IT RESOLVED 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 2350 (Phase 4) 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 Weyrich Development Company.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for Tract 2350 (Phase 4) shall begin with Fiscal Year 2006-2007.

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 72C.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 19th day of July, 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Exhibit A

The map hereinbefore referred to is a subdivision of Tract 2350 (phase 3), in the City of Paso Robles, County of San Luis Obispo, State of California, according to map recorded December 5, 2003 in book 23 at pages 27 through 32 of Maps, in the Office of the County Recorder of said County