

TO: James L. App, City Manager

FROM: Ron Whisenand, Community Development Director

SUBJECT: Acceptance of Parcel Map 06-0035 for Recordation and Annexation No. 05-026 to Community Facilities District No. 2005-1 for Public Services (Sylvester)

DATE: October 17, 2006

Needs: That the City Council consider steps toward finalizing development plans for a residential development and subdivision, including authorizing the approval of the annexation of Parcels 1 and 2 of Parcel Map PR 06-0035 into the existing Community Facilities District (CFD) No. 2005-1 for Public Services.

- Facts:**
1. Applicants Steve and Dyana Sylvester have requested that Parcel Map PR 06-0035 be accepted by the City for recordation. Parcel Map PR 06-0035 is located at 1640 Kleck Road.
 2. The owner of the above property was required to annex any newly created parcels to the Community Facilities District as a condition of approval of Tentative Parcel Map PR 06-0035.
 3. Resolution No. 05-063 adopted by City Council on April 5, 2005, authorizes the City to annex to CFD 2005-1, properties which will be assessed only for eligible public services, without further public hearings or formal elections upon receipt of written consent from the owners.
 4. The owners of each parcel or parcels have given consent and approval that such parcel or parcels be annexed to CFD No. 2005-1. The owners have agreed and intend that such consent and approval constitutes election to annex to CFD No. 2005-1 and approval of the authorization for the levy of the Special Tax within the property. (see Exhibit A)

**Analysis
and**

Conclusion: Parcel Map PR 06-0035 was tentatively approved by the Planning Commission on May 23, 2006. All conditions imposed by the Planning Commission have been satisfied.

Annexation to the City's CFD 2005-1 is necessary to mitigate projected adverse fiscal impacts of new residential development.

Policy

Reference: General Plan
California Government Code Section 66462 ("Subdivision Map Act")
Paso Robles Municipal Code Section 22.16.160

Fiscal

Impact: With annexation to the CFD, none.

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

- a.
 - (1) Adopt Resolution No. 06-xx certifying and adding the above properties to CFD No. 2005-1, and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and
 - (2) Adopt Resolution No. 06-xx accepting the recordation of Parcel Map PR 06-0035, a three-lot residential subdivision located at 1640 Kleck Road.
- b. Amend, modify, or reject the above option.

Attachments: (4)

- 1) Exhibit A from Consent & Election to CFD
- 2) Vicinity/Reduced size parcel map
- 3) Resolution CFD
- 4) Resolution Final Map

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ANNEXING PARCELS 1 AND 2 OF PARCEL MAP PR 06-0035 TO THE CITY'S
COMMUNITY FACILITIES DISTRICT NO. 2005-1

WHEREAS, the owner of the real property described in Exhibit 'A' has petitioned to annex Parcels 1 and 2 of Parcel Map PR 06-0035 into the Paso Robles Community Facilities District No. 2005-1 (Public Services).

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 Community Facilities District 2005-1 and that the subject properties shall be subject to a tax lien of \$657 per dwelling unit per year, which, in turn, is subject to escalation based on a blend of the San Francisco Urban Consumer Price Index and Los Angeles Urban Consumer Price Index or two percent, whichever is greater.

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 Consent and Election to Annex Real Property to an Existing Community Facilities District Petition for Formation of the District, is Steve and Dyana Sylvester.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for Parcels 1 and 2 of Parcel Map PR 06-0035 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 as Annexation No. 05-026 to the Paso Robles Community Facilities District No. 2005-1.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of October, 2006 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING PARCEL MAP PR 06-0035 FOR RECORDATION
(SYLVESTER)

WHEREAS, the subdivider of tentative Parcel Map PR 06-0035, located at 1640 Kleck Road has requested recordation of the final map; and

WHEREAS, the parcel map allows for the creation of three (3) parcels on a 1.79 acre lot; and

WHEREAS, all conditions of approval for this subdivision have been satisfied by the subdivider; and

WHEREAS, City staff has reviewed the final parcel 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 Parcel Map PR 06-0035 and authorize the execution and recordation of the parcel map.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of October, 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

Exhibit "A"

CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING COMMUNITY FACILITIES DISTRICT

CITY OF PASO ROBLES COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)

TO: CITY COUNCIL OF THE CITY OF PASO ROBLES IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE ABOVE ENTITLED COMMUNITY FACILITIES DISTRICT:

1. The undersigned is the owner(s) (the "Owner"), or the duly authorized representative of the Owner, of the real property as described in Exhibit A attached hereto and incorporated herein by reference (the "Property"), and in such capacity, possesses all legal authority necessary to execute this Consent and Election as and on behalf of the Owner in connection with the annexation of the Property to the District (as defined below).

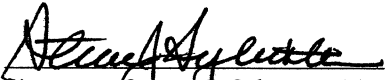
The Owner is: Sylvester Family Trust
Steven J. Sylvester & Dyana F. Sylvester, Trustees
1640 Kleck Road
Paso Robles, CA 93446

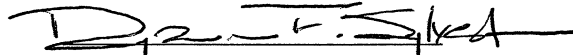
2. The Owner is aware of and understands the following:
 - A. The City of Paso Robles has conducted proceedings pursuant to the "Mello-Roos Community Facilities Act of 1982", (Government Code Section 53311 and following) (the "Act") to form a community facilities district known and designated as COMMUNITY FACILITIES DISTRICT ("CFD") NO. 2005-1 (PUBLIC SERVICES) (the "District") to finance the increased demand for public services (the "Services") resulting from new development within the District. The services to be financed by the CFD comprise services ("Services") authorized to be financed pursuant to Section 53313 and 53313.5 of the Government Code. CFD 2005-01 shall finance Services only to the extent they are in addition to those provided in the territory of CFD 2005-01 before the CFD was created and such Services may not supplant services already available within CFD 2005-01 when the CFD was created.
For a full and complete description of the public services, reference is made to the final CFD Report, a copy of which is on file in the Office of the City Clerk. For all particulars, reference is made to said CFD Report.
 - B. The City has also undertaken proceedings pursuant to Article 3.5 of the Act to provide for the future annexation of certain territory, including the Property, to the District. On April 5, 2005, the City held a public hearing as required by the Act, to consider the future annexation of such territory, including the Property, to the District. Notice of such hearing was given in the form and manner as required by law. A protest to such future annexation was not received from 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be annexed in the future or the owners of one-half or more of the area of land in the territory proposed to be annexed in the future. At the conclusion of such public hearing, the legislative body of the City did approve and provide for the annexation in the future upon the unanimous approval of the owner or owners of each parcel or parcels at the time that such parcel or parcels are annexed, without additional hearings.

THE UNDERSIGNED DOES HEREBY CERTIFY UNDER PENALTY OF PERJURY AS FOLLOWS:

3. The Owner consents and elects to and expressly approves annexation of the Property to the District and the authorization for the levy of the Special Tax within the Property without further public hearing and without an election conducted pursuant to the provisions of Government Code Section 53339.7 and Article 2 of the Act and the Elections Code of the State of California. Owner agrees and intends that such consent and approval constitutes Owner's election to annex the Property to the District and to approve the authorization for the levy of the Special Tax within the Property.
4. The Owner waives any right which the Owner may have, to make any protest or complaint or undertake any legal action challenging the validity of the proceedings of the City or the District to authorize the future annexation of the Property to the District or the authorization for the levy of the Special Tax within the Property, any necessity, requirement, right or entitlement for further public hearing or election pertaining to the annexation of the Property to the District and the levy of the Special Tax within the Property.
5. The Owner specifically authorizes the levy of the Special Tax on the Property pursuant to the rate and method of apportionment set forth in Exhibit B to pay for the authorized Public Services.

EXECUTED this 26TH day of SEPTEMBER, 2006, in PASO ROBLES, California.


Signature: Steven J. Sylvester, Trustee


Signature: Dyana F. Sylvester, Trustee

- Note:
1. Signatures of property owner(s) or representatives must be notarized.
 2. Proof of Authorization to sign is required for Corporations, Partnerships, Limited Liability Companies Trusts, etc.

REFERENCES

- R1 74/RS/86 D1 2005-053560
- R2 18/MB/86 D2 2005-034865
- R3 20/MB/15
- R4 51/PM/89

TRACT 2369-1

LOT 1

ASIS OF BEARINGS
 FOUND 5/8" REBAR
 "LS 7318" IN
 STANDARD CITY MONUMENT WELL
 PER R2

FOUND 5/8" REBAR
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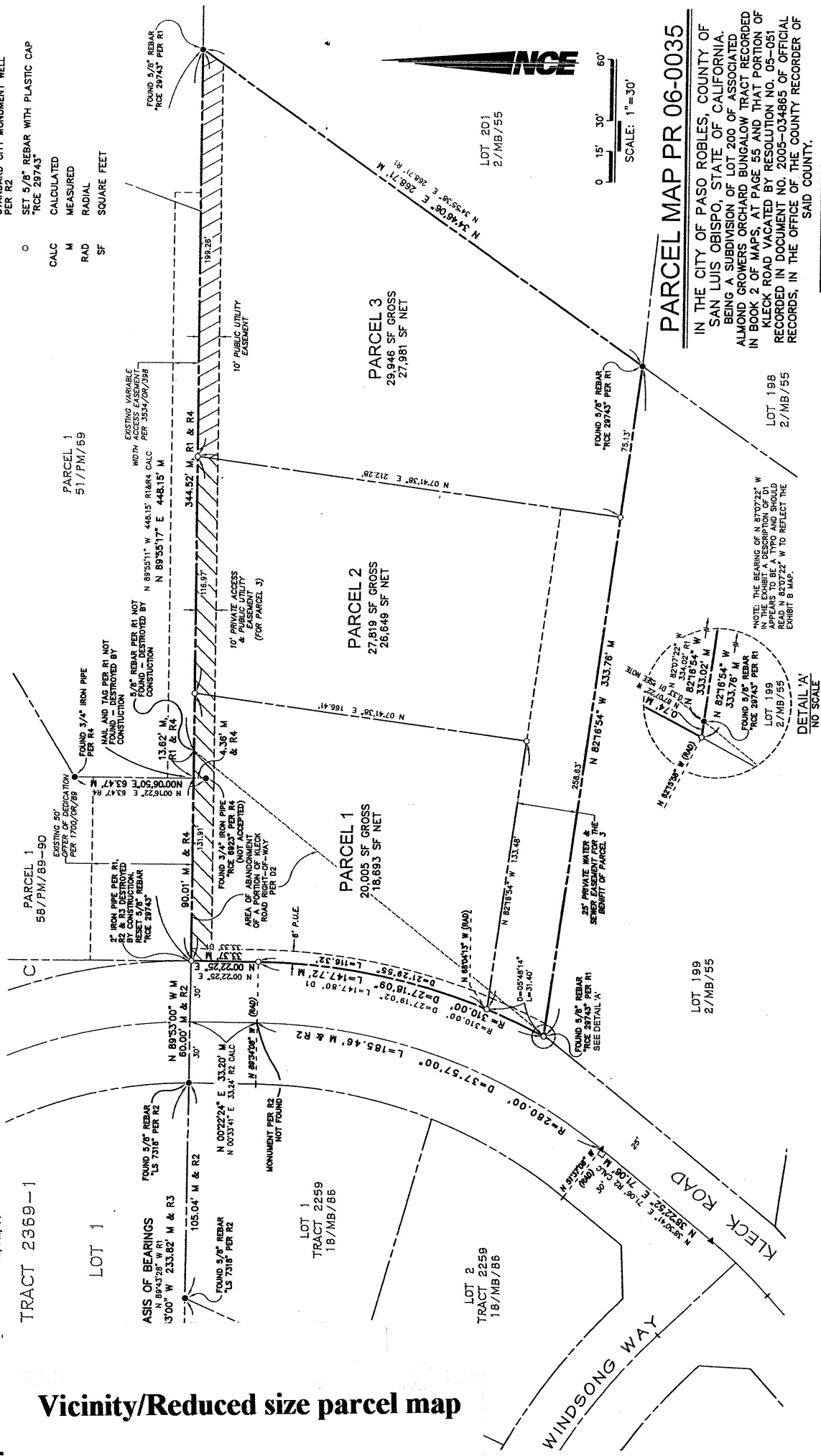
FOUND 5/8" REBAR
 "LS 7318" PER R2

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 "LS 7318" PER R2

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS BETWEEN TWO
 FOUND MONUMENTS ALONG THE SOUTH LINE OF LOT 1 OF
 TRACT 2369-1, HAVING A BEARING OF N 89°53'00" W PER R3.



LEGEND

- FOUND MONUMENT AS NOTED
- ▲ FOUND BRASS CAP "LS 7318" IN STANDARD CITY MONUMENT WELL PER R2
- SET 5/8" REBAR WITH PLASTIC CAP "RCE 29743"
- CALC CALCULATED
- M MEASURED
- RAD RADIAL
- SF SQUARE FEET

PARCEL MAP PR 06-0035

IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, BEING A SUBDIVISION OF LOT 200 OF ASSOCIATED ALMOND GROWERS ORCHARD BUNGALOW TRACT RECORDED IN BOOK 2 OF MAPS, AT PAGE 55 AND THAT PORTION OF KLECK ROAD, VACATED BY RESOLUTION NO. 05-051 RECORDED IN DOCUMENT NO. 2005-034865 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

NCE NORTH COAST ENGINEERING INC.
 725 Creation Rd Suite B, Paso Robles, 219-3127

Vicinity/Reduced size parcel map