

**TO:** James L. App, City Manager

**FROM:** Ron Whisenand, Community Development Director

**SUBJECT:** Acceptance of Public Improvements – Tract 2369-4 (Fallingstar Homes Lots 169-250)

**DATE:** August 7, 2007

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**Needs:** That the City Council authorize the acceptance of public improvements resulting from the development of Tract 2369-4 (Lots 169-250) into the City's maintenance system.

- Facts:**
1. On November 1, 2005, the City Council accepted Tract 2369-4 for recordation and executed a Subdivision Improvement Agreement with the Developer of this subdivision.
  2. This subdivision is located along Montebello Oaks Drive, Kleck Road and Vista Oaks Way (see Vicinity Map).
  3. The public improvements have been constructed to the satisfaction of City staff.
  4. The Subdivider has constructed the following streets in accordance with the Subdivision Improvement Agreement and in compliance with the improvement plans and all applicable City standards:

<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>MILES</u>
Kleck Road	100 feet w/o Skyview Drive	550 feet w/o Vista Oaks Way	0.17
Via Magnolia	Montebello Oaks Drive	900 feet w/o Montebello Oaks Drive	0.17
Heidi Court	Montebello Oaks Drive	450 feet s/o Montebello Oaks Drive	0.09
Montebello Oaks Drive	200 feet w/o Skyview Drive	Vista Oaks Way	0.11
Victoria Court	Vista Oaks Way	300 feet w/o Vista Oaks Way	0.06
Vista Oaks Way	Montebello Oaks Drive	1,900 feet n/o Montebello Oaks Drive	0.36

**Analysis  
And**

**Conclusion:** The public improvements, which the developer was required to install for this subdivision have been completed with the exception of the parkway landscaping. Conditions of approval for Tract 2369, adopted by the Planning Commission on August 8, 2000, allow that completion of parkway landscaping may be deferred 60 days after the issuance of certificates of occupancy if adequate securities have been posted. The City will retain the performance bond until the landscaping is completed. At that point, a Maintenance Bond may be posted in accordance with the subdivision agreement, for a period of one year as warranty for all improvements installed.

Acceptance of public improvements will allow for issuance of certificates of occupancy for homes in the subdivision.

**Policy**

**Reference:** Paso Robles Municipal Code, Section 22, Subdivision Map Act

**Fiscal**

**Impact:** The Contractor is obligated to warranty all public improvements for a one-year period following acceptance by the City Council. Parkway landscaping must be maintained by the subdivider during this period. Once the one-year period has expired, and the Contractor has completed all correction items, the City will assume additional street, sewer and drainage maintenance costs.

Parkway landscaping and street lighting costs will be financed by the benefiting property owners through the Landscape and Lighting District.

**Options:** Based upon completion of construction of all required public improvements to the satisfaction of the City:

- a. Adopt Resolution No. 07-xxx accepting the public improvements of Tract 2369-4 (Lots 169– 250) into the City’s maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$336,347.
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Vicinity Map
2. Resolution

**OWNER'S STATEMENT**

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE OWNERS OF, AND ALL RECORD HOLDERS 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 DEDICATE TO THE PUBLIC FOR PUBLIC USE ALL STREETS AND THE EASEMENTS FOR TREE PURPOSES SHOWN ON THIS MAP.

WE ALSO HEREBY DEDICATE TO THE CITY OF EL PASO DE ROBLES IN FEE AS OPEN SPACE AS SHOWN ON THIS MAP.

WE ALSO HEREBY DEDICATE LOT B IN FEE SIMPLE TO THE PUBLIC FOR DETENTION BASIN PURPOSES.

WE ALSO HEREBY DEDICATE THE 36'X30' TEMPORARY EMERGENCY ACCESS EASEMENT AS SHOWN ON LOT 218 OF THIS MAP. SAID EASEMENT WILL EXPIRE UPON THE COMPLETION AND ACCEPTANCE OF THE EXTENSION OF KLECK ROAD TO THE WEST.

WE HEREBY RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS FOR THE USE AND BENEFIT OF THE SEVERAL PUBLIC UTILITY COMPANIES WHICH ARE AUTHORIZED TO SERVE IN SAID SUBDIVISION, EASEMENTS FOR PUBLIC UTILITY PURPOSES DELINEATED ON SAID MAP AS "PUBLIC UTILITY EASEMENT" OR "P.U.E."

WE ALSO RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS THOSE CERTAIN PRIVATE DRAINAGE EASEMENTS AND PRIVATE OPEN SPACE EASEMENTS FOR THE USE AND BENEFIT OF THE PRESENT OR FUTURE OWNERS OF THE LOTS AFFECTED BY SUCH EASEMENTS AS DELINEATED ON SAID MAP.

FALLINGSTAR HOMES, INC., A CALIFORNIA CORPORATION

FRANK ARCIERO, PRESIDENT

**ACKNOWLEDGMENT**

STATE OF CALIFORNIA }  
 COUNTY OF SAN LUIS OBISPO } s.s.  
 ON \_\_\_\_\_, 2005, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED FRANK ARCIERO, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT, THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

NOTARY SIGNATURE \_\_\_\_\_ NAME PRINTED \_\_\_\_\_  
 COUNTY OF SAN LUIS OBISPO, CA. NOTARY EXPIRES \_\_\_\_\_  
 NOTARY COMMISSION NUMBER \_\_\_\_\_

**SIGNATURE OMISSIONS**

PURSUANT TO SECTION 66436, SUBSECTION (G-3-A-1) OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING EASEMENT HOLDERS HAVE BEEN OMITTED, AS THEIR INTEREST CANNOT RISE IN A FEE TITLE & SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY:

PACIFIC BELL PG&E, SOUTHERN CALIFORNIA GAS COMPANY, CHARTER COMMUNICATIONS AND ANY OTHER PUBLIC UTILITY COMPANIES WHICH ARE AUTHORIZED TO SERVE IN THE COUNTY OF SAN LUIS OBISPO AS EASEMENT HOLDERS PER THE DOCUMENT RECORDED MAY 15, 2002, AS INSTRUMENT NO. 2001-040299 OF OFFICIAL RECORDS.

**BENEFICIARY'S STATEMENT**

MID-STATE BANK AND TRUST, BENEFICIARY UNDER A DEED OF TRUST RECORDED JANUARY 23, 2004, AS INSTRUMENT NO. 2004-065210 OF OFFICIAL RECORDS.

BY: \_\_\_\_\_

BY: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF CALIFORNIA }  
 COUNTY OF SAN LUIS OBISPO } s.s.  
 ON \_\_\_\_\_, 2005, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED \_\_\_\_\_, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT, THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

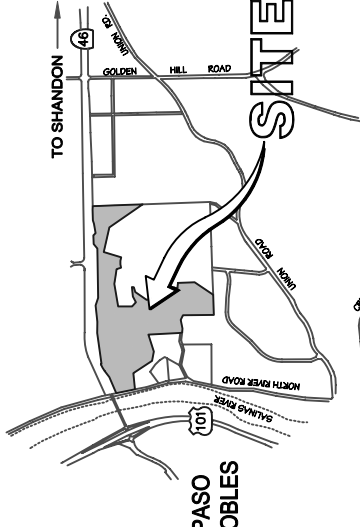
NOTARY SIGNATURE \_\_\_\_\_ NAME PRINTED \_\_\_\_\_  
 COUNTY OF SAN LUIS OBISPO, CA. NOTARY EXPIRES \_\_\_\_\_  
 NOTARY COMMISSION NUMBER \_\_\_\_\_

**CITY CLERK'S STATEMENT**

I, DENNIS FANSLER, CITY CLERK OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, HEREBY STATE THAT THE CITY COUNCIL OF SAID CITY DID ON \_\_\_\_\_, 2005, APPROVE THE MAP OF TRACT 2369-4 SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC ALL THE STREETS, THE EASEMENTS FOR TREE PURPOSES, THE 36X30 TEMPORARY EMERGENCY ACCESS EASEMENT, THE OPEN SPACE AND LOT B SHOWN ON THIS MAP TO THE TERMS OF OFFER OF DEDICATION BY THE PARTIES HAVING A RECORD TITLE INTEREST IN SAID LAND.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

DENNIS FANSLER, CITY CLERK



**VICINITY MAP**  
 NO SCALE

**ENGINEER'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 FRANK ARCIERO IN JANUARY, 2001. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP AND THAT 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.

STEVEN J. SYLVESTER R.C.E. 29743 DATE \_\_\_\_\_  
 STEVEN J. SYLVESTER EXP. 3/31/07



**CITY ENGINEER'S STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED TRACT 2369-4, WHICH SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS THAT WHICH APPEARED ON THE TENTATIVE MAP AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF CALIFORNIA AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

DATE: \_\_\_\_\_ JOHN B. FALKENSTEN  
 CITY ENGINEER  
 CITY OF PASO ROBLES  
 R.C.E. C33760 (EXP. 6/30/06)

**PLANNING COMMISSION STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT THE MAP CONFORMS WITH THE ACTION TAKEN BY THE CITY OF EL PASO DE ROBLES FOR TRACT 2369-4 ON AUGUST 8, 2000.

ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

**RECORDER'S STATEMENT**

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005, AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS AT PAGE \_\_\_\_\_ AT THE REQUEST OF STEVEN J. SYLVESTER.  
 DOCUMENT NO. \_\_\_\_\_  
 FEE: \_\_\_\_\_

JULIE L. RODEWALD DEPUTY RECORDER  
 COUNTY RECORDER

**TRACT 2369-4**

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF PORTIONS OF LOTS 2 THRU 13 PER THE MAP RECORDED IN BOOK B OF MAPS AT PAGE 100, RECORDS OF SAID COUNTY













