

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

CITY ENGINEER
CITY OF EL PASO DE ROBLES
1000 SPRING STREET
PASO ROBLES, CA 93446

FOR RECORDER USE ONLY

RESOLUTION NO. 99-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA, AS ANNEXING TRACT 2301 AS PART OF SUBAREA 39 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 2301 into Paso Robles Landscape and Lighting District No. 1 ("District"); and

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 to the "District" and that all landscape and lighting improvements required as conditions of approval of Tract 2301 be installed by the developer.

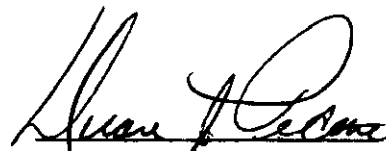
Section 2. That the City Council for the City of Paso Robles does hereby declare that the current owner of the real property, according to the Petition for Formation of the District, is Arciero and the project known as Bella Vista Estates

Section 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for Arciero shall begin with Fiscal Year 2000-2001.

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 Subarea 39.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 6th day of April, 1999 by the following roll call vote:

AYES: Macklin, Mecham, Swanson and Picanco
NOES: None
ABSENT: Baron
ABSTAIN: None


Duane J. Picanco, Mayor

ATTEST:


Madelyn Paasch, City Clerk

OFFICIAL BALLOT

**CITY OF EL PASO DE ROBLES SPECIAL PROPERTY OWNER PROTEST
PROCEEDING TO PROPOSE THE LEVY AND COLLECTOIN OF ASSESSMENTS
AND ASSESSMENT RANGE FORMULA FOR THE EL PASO DE ROBLES
LANDSCAPE AND LIGHTING MAINTENANCE ASSESMENT DISTRICT No. 1,
SUBAREA No. 39**

HEARING DATE: Second Quarter Calendar 2000

This Ballot represents: **Name:** Frank Arciero
 Address: 16590 Aston Street
 City, State: Irvine, CA 92714
 Property: Tract 2301
 Sub Area: 39

According to Section 4, Sub-Section 4 (e) of Proposition 218, the ballots are weighted according to the proportional financial obligation of the affected property. The proposed assessment for your property is presented below.

To vote, make a cross (+) in the voting square next to the work "YES" or the word "NO", sign and date the ballot. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk, and obtain another. Mail or deliver this completed ballot to:

City Clerk
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

PLEASE CAST YOUR VOTE BY MARKING AND SIGNING BELOW

Yes, I approve of the proposed assessment of \$133.00 per parcel for the 2000-2001 fiscal year on the parcel(s) identified on this ballot, and the establishment of an annual assessment range formula based on the level of the Consumer Price Index most recently reported by the San Francisco/Oakland Urban Wage Earners and Clerical Workers increase over its level as of the date of this ballot.

No, I do not approve the proposed assessment of \$133.00 per parcel for the 2000-2001 fiscal year on the parcel or parcels identified on this ballot, and the establishment of an annual assessment range formula based on the level of the Consumer Price Index most recently reported by the San Francisco/Oakland Urban Wage Earners and Clerical Workers increase over its level as of the date of this ballot.

Frank Arciero
Signature of Record Owner or Authorized Representative
in case of property owned by non-individuals.

3/12/99
Date

PETITION

A PETITION TO THE CITY COUNCIL OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, PETITIONING SAID COUNCIL TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO **"EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1,"** AN ASSESSMENT DISTRICT ESTABLISHED PURSUANT TO THE **"LANDSCAPING AND LIGHTING ACT OF 1972"** AS SET FORTH IN PART 2 OF DIVISION 15 (SECTIONS 22500 ET SEQ.) OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

WITNESSETH:

A. **WHEREAS,** the petitioner, **BELLA VISTA ESTATES, LLC,** a California limited partnership (hereinafter referred to as the **"Developer"**), is the sole owner of that certain real property located in the **City of El Paso de Robles,** County of San Luis Obispo, State of California, more particularly described in **Exhibit "A"** attached hereto, (hereinafter referred to as the **"Property"**); and

B. **WHEREAS,** **Developer** is developing the **Property** as a single family residential subdivision approved as **TRACT 2301** (hereinafter referred to as the **"Project"**); and

C. **WHEREAS,** as a condition to its approval of the recordation of the final tract map to be recorded on the **Project,** the **City of El Paso de Robles** (hereinafter referred to as the **"City"**) has required that those certain areas within the **Project** be improved with landscaping, lighting, and other related improvements, more particularly **street lights, landscaping and irrigation along parkways, pedestrian pathways, open space lots and detention basins** (hereinafter referred to as the **"Landscape and Lighting Improvements"**) to a standard acceptable to the **City;** and that the **Developer** provide a means satisfactory to the **City** for assuring the continued maintenance, operation, and servicing of the **Landscape and Lighting Improvements;** and

D. **WHEREAS,** pursuant to the **"Landscaping and Lighting Act of 1972"** as set forth in part 2 of Division 15 (Sections 22500 et seq.) of the Streets and Highways Code of the State of California, the **City** may form an assessment district to provide for the maintenance, operation and servicing of the **Landscape and Lighting Improvements,** and for the payment of the costs and expenses incurred for such maintenance, operation, and servicing; and

E. WHEREAS, the **Developer** is the owner of all of the real property to be benefitted by the **Landscape and Lighting Improvements** of the maintenance, operation and servicing thereof.

NOW, THEREFORE, in furtherance of the foregoing recitals, the **Developer** does hereby petition the City as follows:

1. In order to assure the continued maintenance, operation, and servicing of the **Landscape and Lighting Improvements**, and the payment of the costs and expenses incurred for such maintenance, operation, and servicing, the **Developer** hereby requests that the City annex the **Property** into the **Paso Robles Landscape Maintenance District No. 1** (hereinafter referred to as the "**District**") pursuant to the "**Landscaping and Lighting Act of 1972**" as set forth in Part 2 of Division 15 (Sections 22500 et seq.) of the Streets and Highways Code of the State of California, in accordance with this **Petition**.

2. The **Developer** requests that the territory to be annexed to the **District** consists of all of the **Property** referenced in Paragraph A of the recitals hereinabove.

3. As the sole owner(s) of all of the real property to be annexed into the **District**, the **Developer** hereby waives, pursuant to Streets and Highways Code Section 22608.1, preparation of an initial engineer's report and hearings of objections and protests by interested property owners to the proposed annexation

4. In consideration of the approval of the annexation into the **District** by the City, the **Developer** hereby agrees as follows:

a. To install the **Landscape and Lighting Improvements**, as required by conditions of approval of the Project and to bear all costs of constructing or otherwise installing the **Landscape and Lighting Improvements**;

b. To complete the construction or other installation of the **Landscape and Lighting Improvements** within **TRACT 2301** to the reasonable satisfaction of the City prior to the first close of an escrow for the sale of any lot within said **TRACT 2301**.

c. To consent to the establishment and payment of an assessment for the proposed annexation of the **Property** into the **District** in an amount ranging from \$100 to \$195 per lot, to cover all costs and expenses incurred for the continued maintenance, operations and servicing of the **Landscape and Lighting Improvements** for Fiscal Year 2000-2001, and to

consent to the payment of annual assessments each Fiscal year thereafter in an amount equal to the initial assessment adjusted to reflect the increase, if any, in the cost of living during the previous year by adding to that initial assessment an amount obtained by multiplying the initial assessment by the percentage by which the level of the Consumer Price Index most recently reported by the San Francisco/Oakland Urban Wage Earners and Clerical Workers has increased over its level as of the date of this Petition.

Developer acknowledges it has received a copy of the applicable engineer's report from which it has learned the total amount of the assessment chargeable to the entire District and the basis upon which the amount of the proposed assessment was calculated. Developer also acknowledges it has received a ballot on which it may indicate its support or opposition to the proposed assessment. Developer agrees that the engineer's report, the ballot and this Petition collectively constitute and satisfy the notice required be given to Developer by Article XIII D, Section 4 of the California Constitution. Developer hereby waives any defect in this required notice or the manner in which it was given, including, but not limited to, the notice being provided in a manner other than by mail. Developer also waives its right to 45-days notice of a public hearing upon the assessment proposed in this Petition. By executing this Petition, Developer indicates its support of the proposed assessment, and agrees that it shall so indicate on its ballot.

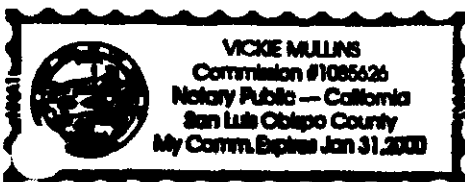
d. To agree that this Petition shall run with the land and shall be binding upon the Developer, his heirs, successors, executors, administrators, and assigns.

PROPERTY OWNER:

BELLA VISTA ESTATES, LLC

Frank Arciero
FRANK ARCIERO, President

3/12/99
DATE



(SIGNATURES MUST BE NOTARIZED)

Vickie Mullins
3-12-99