

TO: JAMES L. APP, CITY MANAGER
FROM: JOHN R. McCARTHY, DIRECTOR OF PUBLIC WORKS
SUBJECT: FINAL MAP AND SUBDIVISION AGREEMENT FOR TRACT 2137-1 AND ANNEX TO LANDSCAPE AND LIGHTING DISTRICT
DATE: JUNE 15, 1999

Needs: That the City Council authorize execution and recordation of the Final Map and Subdivision Agreement for and authorize acceptance of the Securities for Tact 2137-1 (Manzana Brothers) and adopt a Resolution to annex into the Landscape and Lighting District.

- Facts:**
1. The Subdivider requests to enter into a Subdivision Improvement Agreement with the City for Tract 2137-1. The project is located at the end of Riverglen Drive off of Union Road.
 2. The Subdivider has posted securities to guarantee installation of public improvements in accordance with his Subdivision Agreement, the Subdivision Map Act and the City of El Paso de Robles Municipal Code.
 3. The Tentative map was approved by the Planning Commission on July 12, 1993 by Resolution No. 93-035.
 4. In conformance with the Conditions of Approval, the developer has also executed a Petition requesting that the tract be annexed into the Landscape and Lighting District No. 1, Sub Area #47.

Analysis and

Conclusion: The developer has submitted the necessary documents and staff recommends that the City Council approve the Final Map and Subdivision Agreement and accept Performance Securities.

Policy

Reference: Title 22 of the Municipal Code Section and Subdivision Map Act, Landscape and Lighting Act of 1972, Sections 22500, et seq. and 22608.1, Streets and Highways Code, and Resolution No. 93-035.

Fiscal

Impact: The City has collected park fees, drainage fees, and plancheck & inspection fees, in accordance to the conditions of approval for this tract.

- Options:**
- A. That the City Council adopt a Resolution authorizing execution and recordation of the Final Map and Subdivision Agreement for Tract 2137-1 (Manzana Brothers).
 - B. That the City Council amend, modify, or reject the above options.

Attachments: (4)

- 1) Resolution Approving Final Map & Subdivision Agreement
- 2) Resolution annexing into Landscape and Lighting District
- 3) Reduction of Parcel Map
- 4) Signed Petition and Ballot

RESOLUTION No. 99-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA,
ACCEPTING AND APPROVING THE EXECUTION AND RECORDATION OF THE FINAL MAP AND
SUBDIVISION AGREEMENT FOR TRACT 2137-1 (MANZANA BROTHERS)**

WHEREAS, the Developer has met all conditions of the tentative map and has posted payment and performance securities to guarantee the installation of public improvements. A certificate of insurance has been submitted and all final map fees have been paid; 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 2137-1 and authorize the execution and recordation of the tract map.

Section 2. That the City Council of the City of Paso Robles does hereby approve the execution and recordation of the Subdivision Agreement.

Section 3. 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.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 15th day of June, 1999, on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Duane J. Picanco, Mayor

ATTEST:

Cindy Pilg, Deputy City Clerk

Recording Requested by:
City of Paso Robles

When Recorded Return to:
City of Paso Robles
City Engineer

1000 Spring Street
Paso Robles, CA 93446

FOR RECORDER USE ONLY

RESOLUTION NO. 99-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA, AS ANNEXING TRACT 2137-1 AS PART OF SUBAREA 47 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 TR 2137-1 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 into the "District" and that all landscape and lighting improvements required as conditions of approval of TR 2137-1 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 Manzana Brothers Ltd.

Section 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for TR 2137-1 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 Sub Area 47.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 15th day of **June, 1999**, on the following vote:

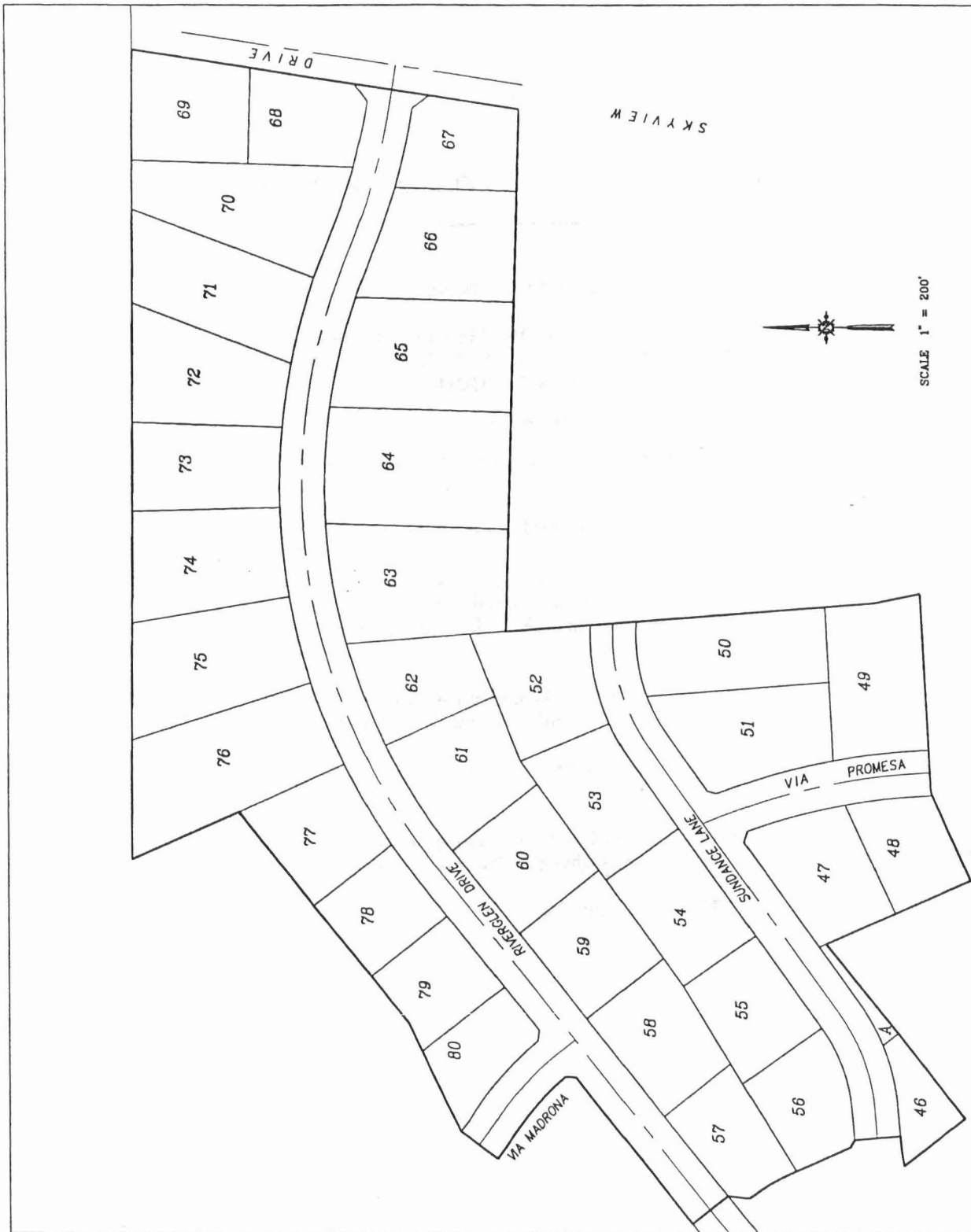
AYES:
NOES:
ABSENT:
ABSTAIN:

Duane J. Picanco, Mayor

ATTEST:

Cindy Pilg, Deputy City Clerk

EXHIBIT "A" (Cont'd.)



TRACT 2137-1 RIVERGLEN

Cannon
ASSOCIATES

ENGINEERS
PLANNERS
SURVEYORS

364 Pacific Street
San Luis Obispo, CA 93401
(805) 544-7407

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, **MANZANA BROTHERS, LTD, AN OREGON CORPORATION,** (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 **TR 2137-1** (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, 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 **TR 2137-1** to the reasonable satisfaction of the **City** prior to the first close of an escrow for the sale of any lot within said **TR 2137-1**.

c. To consent to the establishment and payment on an initial assessment for the **Property** in an amount ranging from \$400.00 to \$500.00 per lot, to cover all costs and expenses incurred for the continued maintenance, operations and servicing of the **Landscape and Lighting Improvements** for the 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

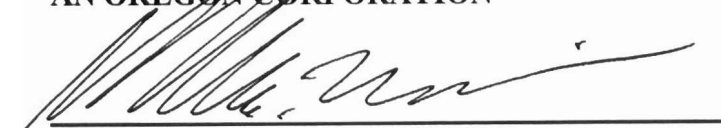
the increase, if any, in the cost of living during the previous year by adding to that initial assessment an amount obtained by multiplying the initial assessment by the percentage by which the level of the Consumer Price Index most recently reported by the San Francisco/Oakland Urban Wage Earners and 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:

**MANZANA BROTHERS, LTD
AN OREGON CORPORATION**



George A. Morris, President

5-12-99
DATE

(SIGNATURES MUST BE NOTARIZED)

EXHIBIT "A"

That certain parcel of land designated remainder on Amended Tract Map 1581-1, in the City of Paso Robles, in the County of San Luis Obispo, State of California, according to map recorded December 7, 1990 in Book 16, Page 12 of Maps, in the office of the County Recorder of said County.

EXCEPTING therefrom an undivided 50% interest in all mineral rights located on the property, without the right of surface entry as reserved by Golden Hill Corporation in deed recorded August 4, 1981 in Book 2345, Page 543 of Official Records.

ALSO EXCEPTING therefrom that portion lying within Tract No. 1581-2 in the County of San Luis Obispo, State of California, according to map recorded August 25, 1993 in Book 17, Page 6 of Maps, in the office of the County Recorder of said County.
