

TO: JAMES L. APP, CITY MANAGER
FROM: JOHN R. McCARTHY, DIRECTOR OF PUBLIC WORKS
SUBJECT: FINAL MAP FOR TRACT 2214-2 (ORRADRE) AND ANNEX TO LANDSCAPE AND LIGHTING DISTRICT
DATE: AUGUST 3, 1999

Needs: That the City Council authorize execution and recordation of the Final Map for Tract 2214-2 and adopt a Resolution to annex into the Landscape and Lighting District.

- Facts:**
1. This is the second phase final map for Tract 2214, also known as Creston Courtyards, located east of Creston Road and north of Beechwood.
 2. All public improvements were constructed with phase one.
 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 #42.

Analysis and

Conclusion: The developer has submitted the necessary documents and staff recommends that the City Council approve the Final Map.

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.

Fiscal

Impact: The City has collected park fees, drainage fees, and plancheck and 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 for Tract 2214-2 (Orradre) and a Resolution adding the subject property to the Landscape and Lighting District.
 - B. That the City Council amend, modify or reject the above option.

Attachments: (4)

- 1) Resolution approving Final Map
- 2) Resolution annexing into Landscape and Lighting District
- 3) Location Map
- 4) Signed Petition and Ballot

RESOLUTION NO. 99-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING AND APPROVING THE EXECUTION AND RECORDATION OF
THE FINAL MAP FOR TRACT 2214-2 (ORRADRE)**

WHEREAS, the Developer has met all conditions of the tentative map. The installation of public improvements were completed with phase one. 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 2214-2 and authorize the execution and recordation of the tract map.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 3rd day of **August**, 1999, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane J. Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

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

ATTN.: CITY ENGINEER

FOR RECORDERS USE ONLY

RESOLUTION NO. 99-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES AS
ANNEXING TRACT 2214-2 AS PART OF SUBAREA 42 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 2214-2 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 Tract 2214-2 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 Creston Courtyards, LLC.

Section 3. That the City Council of the City of Paso Robles does hereby declare that the assessment for Tract 2214-2 shall begin with Fiscal Year 2000-2001.

Section 4. That the City Council of 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 #42.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 3rd day of **August**, 1999, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

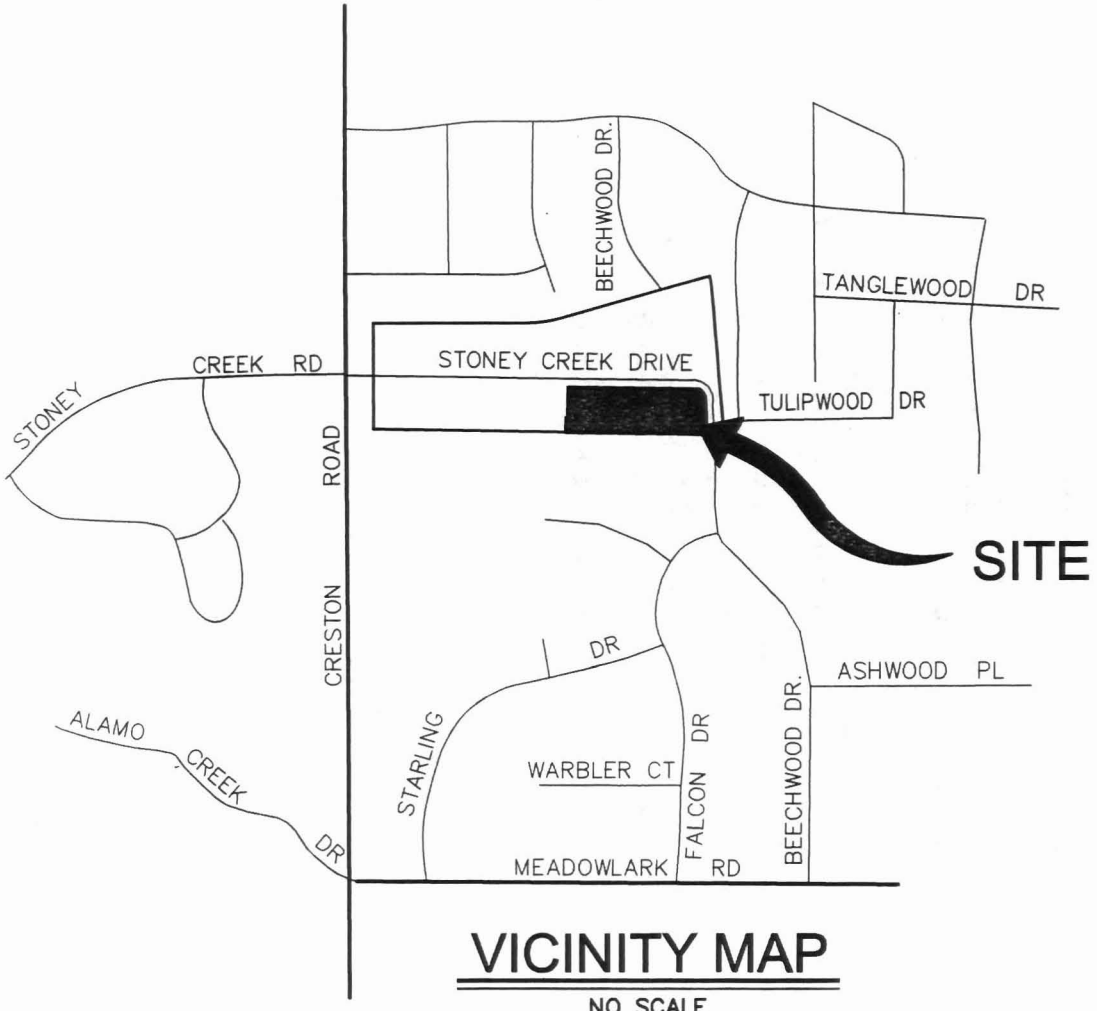
Duane J. Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

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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, **CRESTON COURTYARDS, LLC**, (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 2214-2** (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 and 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 2214-2** to the reasonable satisfaction of the **City** prior to the first close of an escrow for the sale of any lot within said **TR 2214-2**.

c. To consent to the establishment and payment on an initial assessment for the **Property** in an amount ranging from \$200 to \$300 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 99-00, 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.

