

TO: JAMES L. APP, CITY MANAGER
FROM: JOHN R. McCARTHY, DIRECTOR OF PUBLIC WORKS
SUBJECT: FINAL MAP AND SUBDIVISION AGREEMENT FOR TRACT 2281-1 AND ANNEX TO LANDSCAPE AND LIGHTING DISTRICT
DATE: SEPTEMBER 7, 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 Tract 2281-1 (Canyon Park, LLC) 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 2281-1. The project is located at the corner of Golden Hill Road and Creston 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. 98-059.
 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 #52.

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. 98-059.

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 2281-1 (Canyon Park, LLC).
 - B. That the City Council amend, modify, or reject the above option.

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 2281-1 (CANYON PARK, LLC)

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 2281-1 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 7th day of **September**, 1999, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane J. Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, 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 2281-1 AS PART OF SUBAREA 52 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" and "A-1" has petitioned to annex TR 2281-1 into Paso Robles Landscape and Lighting District No. 1 ("District").

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" and "A-1" attached hereto, is hereby annexed into the "District" and that all landscape and lighting improvements required as conditions of approval of TR 2281-1 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 Canyon Park, LLC.

Section 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for TR 2281-1 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 52.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 7th day of September, 1999, on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane J. Picanco, Mayor

ATTEST:

Cindy Pilg, Deputy City Clerk



0 200' 400' 800'



SCALE: 1" = 400'

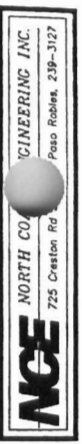
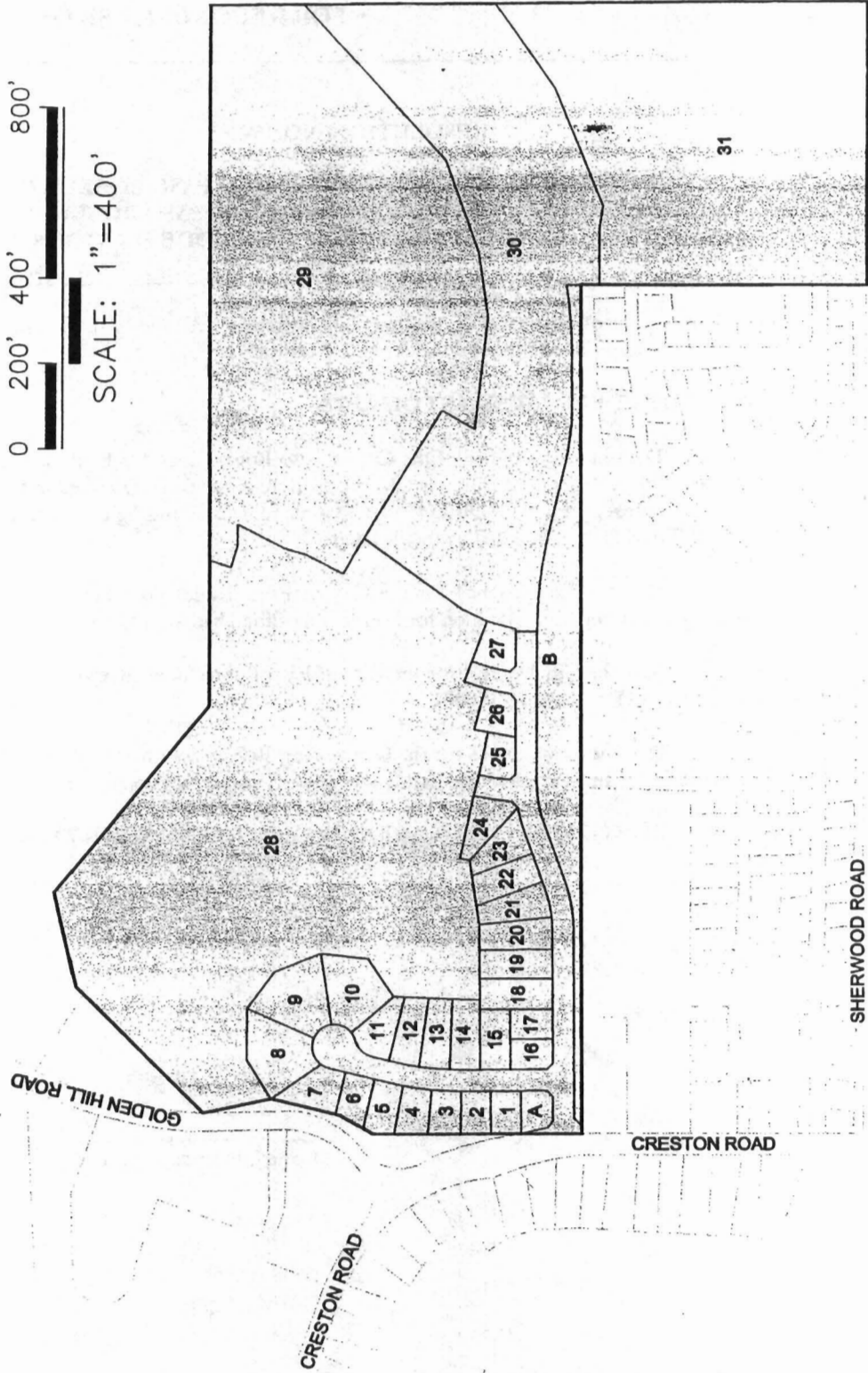


EXHIBIT A

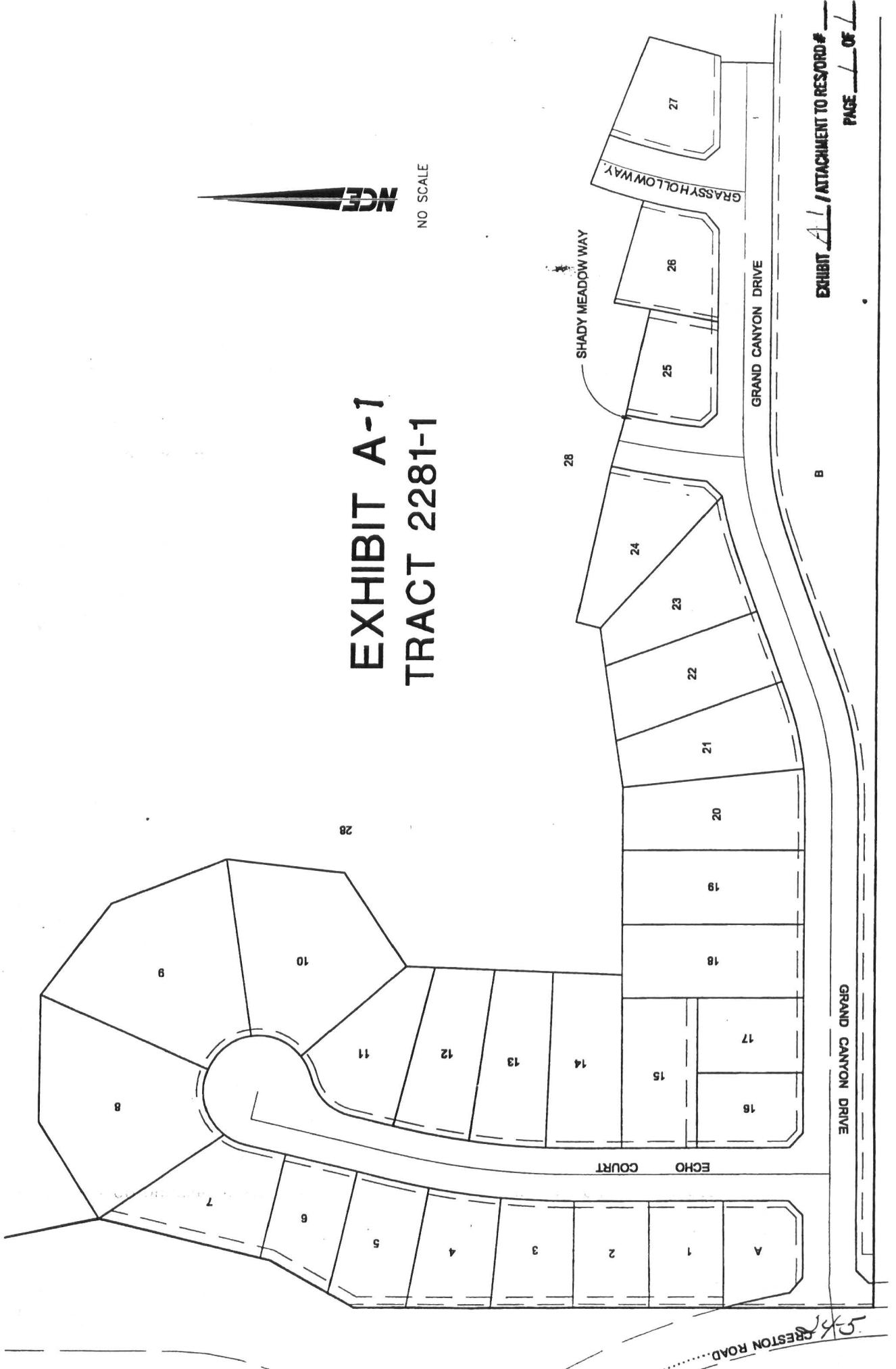
EXHIBIT A / ATTACHMENT TO RES/ORD # _____

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EXHIBIT A-1 TRACT 2281-1



NO SCALE



CRESTON ROAD
255

PETITION

PETITION REQUESTING ANNEXATION INTO EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1

SUMMARY PROCEEDINGS TO ESTABLISH ANNEXATION FOLLOWING 100% PROPERTY OWNER PETITION/BALLOT

WITNESSETH:

A. WHEREAS, the petitioner(s), **CANYON PARK, LLC**, (hereinafter referred to as the “**Developer**”), is the sole owner (are the sole owners) of that certain real property located in the **City of El Paso de Robles** (hereinafter referred to as the “**City**”), 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 tentatively approved as **Tract 2281-1** (hereinafter referred to as the “**Project**”); and

C. WHEREAS, for the purpose of this Petition the terms “**Property**” and “**Project**” are often used interchangeably; and

D. WHEREAS, as a condition to final approval of the **Project** and the recordation of the final tract map to be recorded on the **Project**, the **City** has required that those certain areas within the **Project** be improved with landscaping and lighting, and other related improvements, that are described in Section D-3 of the Standard Conditions found in Resolution No. 98-059, a resolution of the Planning Commission of the **City** to grant tentative map approval for the **Project**, (hereinafter referred to as the “**Landscape and Lighting Improvements**”) to a standard acceptable to the **City**; and that the undersigned **Developer** provide a means satisfactory to the **City** for assuring the continued maintenance, operation, and servicing of the **Landscape and Lighting Improvements**; and

E. WHEREAS, the actual amount to be assessed for the **Project** or apportioned among subdivision lots or parcels within the **Project**, shall not exceed the proportional special benefit of the **Landscape and Lighting Improvements**. Said proportional benefits shall be

determined by a registered civil engineer prior to levy of assessments to be charged against the **Project** or apportioned among subdivision lots or parcels within the **Project**. In no event shall the actual amount levied exceed the range identified in Exhibit "B", as adjusted for inflation, unless such increases are approved pursuant to Government Code Section 53753.

F. 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

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

H. WHEREAS, until the **Landscape and Lighting Improvements** are constructed and accepted by the **City**, it is difficult to determine the amounts assessable for the operation and maintenance of said improvements chargeable to the **Project**. Attached hereto as Exhibit "B" is the City Engineer's (or the City Assessment Engineer's) estimate of ranges and formula for calculating such

ranges

for:

1. The total amount of the assessment for the **Project**; and
2. The amount to be apportioned amount subdivision lots or parcels within the proposed.

I. WHEREAS, the actual amount to be assessed for the **Project**, or apportioned among subdivision lots within the **Project**, shall not exceed the proportionate special benefit of the **Landscape and Lighting Improvements**. Said proportional benefits shall be determined by a registered civil engineer prior to levy of assessments to be charged against the **Project** or apportioned among subdivision lots or parcels within the **Project**. In no event shall the actual amount levied exceed the range identified in Exhibit "B", as adjusted for inflation, unless such increases are approved pursuant to Government Code Section 53753.

NOW, THEREFORE, by this Petition, the undersigned **Developer** requests the City Council of the **City** to annex the **Project** into El Paso de Robles Landscape and Street Lighting

Maintenance District No. 1 for the purpose of levying an annual assessment against the **Property** and each lot or parcel therein in the amount, for the purpose, and otherwise subject to the terms and conditions set forth herein:

1. Purpose of the Annual Assessment. The annual assessment to be levied against the **Property** and each lot or parcel to be created therein shall be used exclusively for the purpose of funding the annual costs of maintaining the **Landscape and Lighting Improvements**. The undersigned **Developer** agrees that such public improvements and the operation and maintenance of same are of special benefit to the **Property** and each lot to be created therein.

2. Amount of the Annual Assessment. The range of the annual assessment to be levied against the **Property** to fund operation and maintenance of the **Landscape and Lighting Improvements** is described in Exhibit "B", attached hereto. The annual assessment to be charged shall be levied against the **Property** during each fiscal year the assessment district remains in effect, effective at the date the **Landscape and Lighting Improvements** are accepted by the **City**. The undersigned **Developer** agrees that the range of annual assessment established in Exhibit "B" does not exceed the cost of operating and maintaining the **Landscape and Lighting Improvements**.

3. CIP Adjustment to the Amount of the Annual Assessment. Commencing with the first **City** fiscal year following the date the **Property** is annexed into El Paso de Robles Landscape and Lighting Maintenance District No. 1 and each fiscal year thereafter that the assessment district remains in effect, the annual assessment to be levied against the **Property** shall be increased in an amount necessary to reflect the increase in the cost of operating and maintaining the **Landscape and Lighting Improvements** due to inflation. The determination of whether there has been an increase in the cost of operating and maintaining the **Landscape and Lighting Improvements** and the amount of the increase in the annual assessment which is proportional to the increase in such costs shall be based exclusively on the percentage increase in CPI Index for Urban Wage Earners and Clerical Workers in San Francisco/San Jose for March 31 of the current year over the previous year's index on the same date. The undersigned **Developer** agrees that the foregoing consumer price index most accurately reflects the likely annual increase in the cost of operating and maintaining the **Landscape and Lighting Improvements** due to inflationary factors.

4. Apportionment of Annual Assessments Among Subdivision Lots or Parcels. At such times as the **Property** is subdivided into a number of separate lots and/or parcels by reason of

the recordation of a final subdivision map or final parcel map, the assessment to be levied against the **Property** in the manner provided for herein shall be apportioned among the resulting lots or parcels in accordance with the ranges established in Exhibit "B", attached hereto. The undersigned **Developer** agrees that the formula used to calculate the range accurately reflects the proportionate benefit received by each such lot or parcel arising from the operation and maintenance of the **Landscape and Lighting Improvements**, and therefore is an appropriate way of apportioning the cost of operating and maintaining the **Landscape and Lighting Improvements** among such lots or parcels.

5. Duration of the Annual Assessment. The annual assessment to be levied against the **Property** and each lot or parcel created therein to operate and maintain the **Landscape and Lighting Improvements** shall continue until such time as the City Council shall determine to abolish the assessment district.

6. Waiver of Notice of Assessment District Protest Hearing. Pursuant to Streets and Highways Code Section 22608, the undersigned, as sole Owner(s) of the property annexed into El Paso de Robles Landscape and Lighting Maintenance District No. 1, hereby waives the resolution, report, notices of hearing, and right of majority protest.

7. Ballot in Favor of Assessment District. The undersigned Owner(s) executes this Petition both as the **Developer's** Petition for annexation into El Paso de Robles Landscape and Lighting Maintenance District No. 1, and as the **Developer's** ballot in favor of the range of assessments to be charged or levied against the **Property**. In addition, the undersigned **Developer** hereby authorizes the City Clerk to file this Petition as the undersigned's ballot in favor of annexing the **Property** into El Paso de Robles Landscape and Lighting Maintenance District No. 1.


8. Hearing/Revocation of Petition/Ballot. The hearing on the undersigned **Developer's** ballot will be set concurrently with the **City's** hearing for the annexation of the **Property** into the El Paso de Robles Landscape and Lighting Maintenance District No. 1, and at least forty-five (45) days from the date this Petition/Ballot is filed with the **City**. The undersigned **Developer** may revoke this Petition/Ballot up to and including the time of the public hearing set by the **City** for approval of the annexation. A revocation of any portion of this Petition/Ballot shall be considered a revocation of the entire Petition/Ballot.

9. Incorporation of Recitals. Recital A through F of this Petition are incorporated herein by this reference and made a part hereof.

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

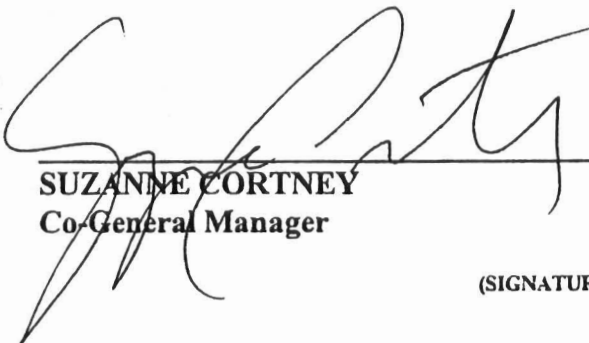
PROPERTY OWNER/DEVELOPER:

The Charter Pacific Group, A California Corporation, Co-General Manager



JAMES N. GUTHRIE, JR.
President

8/16/99
DATE



SUZANNE CORTNEY
Co-General Manager

8/16/99
DATE

(SIGNATURES MUST BE NOTARIZED)