

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

**FROM:** Robert A. Lata, Community Development Director

**SUBJECT:** Acceptance of Tract 2404 (Oak Creek Commons) for recordation, execution of Subdivision Improvement Agreement, and annexation into the Landscape and Lighting Maintenance District

**DATE:** March 18, 2003

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**Needs:** That the City Council consider taking a series of three steps toward finalizing development plans for a residential subdivision.

- Facts:**
1. The applicant, Oak Creek Commons, has requested that Tract 2404 be accepted by the City for recordation. Tract 2404 is a 31-unit condominium subdivision, along with five single family lots (total of 36 units) of a 13.8-acre site, located on Nicklaus Drive, south of Niblick Road (see Attachment 1).
  2. Since the required public improvements have not been completed, the applicants have signed a Subdivision Improvement Agreement guaranteeing the construction of these improvements within a one-year period. Payment and Performance Bonds have been submitted and are on file in the office of the City Engineer.
  3. The applicants have signed a petition and voted in favor of annexation into the Landscape and Lighting District.

**Analysis  
and**

**Conclusion:** Tract 2404 was originally approved by the Planning Commission on November 28, 2000. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission have been satisfied.

The Subdivision Map Act and the City of Paso Robles Municipal Code authorizes acceptance of final maps when securities have been posted guaranteeing construction of public improvements.

Acceptance of public improvements and release of the securities occurs only after these improvements have been constructed to the satisfaction of the City Engineer and following the adoption of a resolution of acceptance by the City Council.

**Policy  
Reference:** California Government Code Section 66462 ("Subdivision Map Act")  
Paso Robles Municipal Code Section 22.16.160

**Fiscal  
Impact:** None.

**Options:**

- a.** Adopt Resolution No. 03-xxx:
  - (1) Accepting the recordation of Tract 2404, a 36-lot subdivision (including 31 condominium units) located on Nicklaus Drive, south of Niblick Road, and
  - (2) Approving the Subdivision Improvement Agreement for Tract 2404, authorizing deferred construction of the subdivision improvements, with an established deadline of March 18, 2004 to complete these improvements, and that the Mayor be authorized to execute the Agreement; and
- b.** Adopt Resolution No. 03-xxx annexing Tract 2404 into the Landscape and Lighting District.
- c.** Amend, modify or reject the above options.

Attachments: (3)

- 1) Vicinity Map
- 2) Resolution Final Map
- 3) Resolution L & L

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ACCEPTING AND APPROVING THE EXECUTION AND RECORDATION  
OF THE FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT  
FOR TRACT 2404 (OAK CREEK COMMONS)

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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 2404 and authorize the execution and recordation of the tract map.

SECTION 2. 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 18th day of March 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk



**VICINITY MAP**  
SCALE: 1"=800'

**EASEMENT NOTE**

THESE PARCELS ARE SUBJECT TO EASEMENT RIGHTS UNDER THE  
ALL OF LOTS 1 THROUGH 6, PROPERTY UNDER THE  
BEARINGS.

**BASIS OF BEARINGS**

BEARINGS FOR THIS MAP ARE BASED ON LOCAL  
MORNING ON THE EAST LINE OF PARCEL 4 OF  
TRACT 1041, SAN JOSE PLUMBING N 07°54'47" E 340.04'

**LEGEND**

- RI 64 P.M. 1
- M MEASURED
- (RAD) RADIAL
- 10.576' PLUMBING '80E 28.743' PER
- 11 10.175' OFF-PIECE NOTES
- 12 54.150' PLUMBING '80E 28.743'

**TRACT 2404**

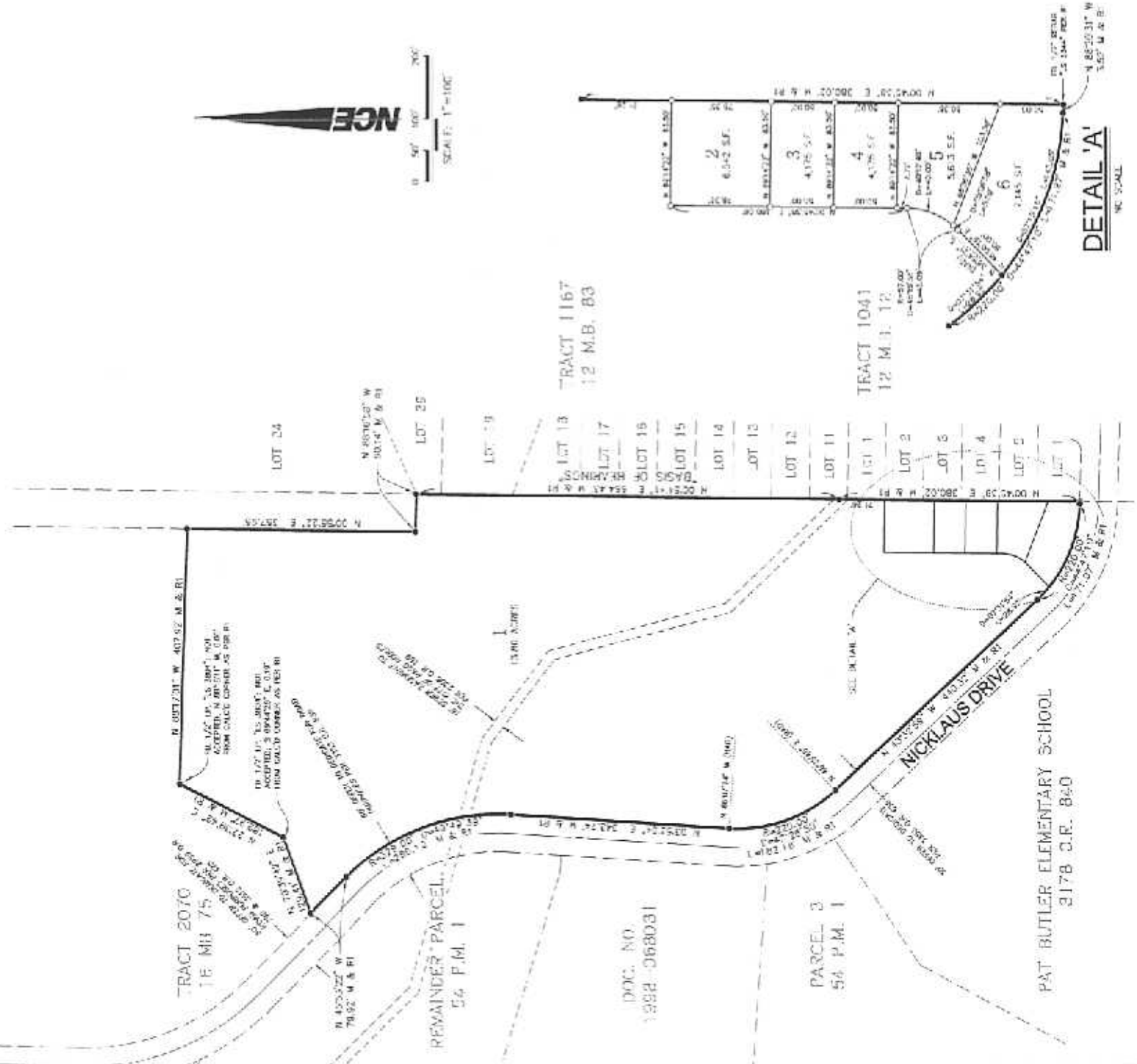
IN THE CITY OF EL PASO DE ROBLES, COUNTY  
OF SAN LUIS OBISPO, STATE OF CALIFORNIA  
BEING A SUBDIVISION OF PARCEL 4 OF PARCEL MAP TR 99-013  
RECORDED IN BOOK 54 OF PARCEL MAPS AT PAGE 1  
FOR CONDOMINIUM PURPOSES



TRACT 1167  
12 M.B. B3

TRACT 1041  
12 M.B. 12

**DETAIL 'A'**  
NO SCALE



TRACT 2070  
16 M.B. 75

REMAINDER PARCEL  
54 P.M. 1

DOC. NO.  
1988-068031

PARCEL 3  
54 P.M. 1

PAT BUTLER ELEMENTARY SCHOOL  
2178 O.E. 840

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

The City of El Paso de Robles  
1000 Spring Street  
Paso Robles, CA 93446

Attn: DITAS ESPERANZA

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RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA,  
AS ANNEXING TRACT 2404 (OAK CREEK COMMONS) AS PART OF SUBAREA 77  
TO THE "PASO ROBLES LANDSCAPE AND LIGHTING DISTRICT NO. 1"  
(STREETS AND HIGHWAYS CODE SECTIONS 22500, ET SEQ.)

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WHEREAS, the owner of the real property described in Exhibit 'A' has petitioned for annex Tract 2404 into the Paso Robles Landscape and Lighting District No. 1 ("District").

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED 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 2404 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 Oak Creek Commons, LLC.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for Tract 2404 shall begin with Fiscal Year 2004-2005.

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, pas part of Sub-Area 77.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 18<sup>th</sup> day of March 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

Exhibit A

Landscape and Lighting District  
Legal Description of Property  
Oak Creek Commons

All of said property as described in Tract 2404, in the City of Paso Robles, County of San Luis Obispo, California, as recorded with the County of San Luis Obispo, County Recorder, in Book \_\_\_\_ Page \_\_\_\_ of Maps.