

TO: James L. App, City Manager

FROM: Robert A. Lata, Community Development Director

SUBJECT: Acceptance of Tract 2369-3, Lots 107-168 (Fallingstar Homes, Inc) for Recordation, Execution of Subdivision Improvement Agreement, and Annexation into the Landscape and Lighting Maintenance District

DATE: December 16, 2003

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

- Facts:**
1. The applicant, Fallingstar Homes Inc., has requested that Tract 2369-3 be accepted by the City for recordation. Tract 2369-3 is a 62-lot subdivision of a 48.51-acre site, located along the north side of Montebello Oaks Drive and the extension of Kleck 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 placed 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 2369 was originally approved by the Planning Commission on August 8, 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: That the City Council accept the subject map and agreement by taking the following actions:

- a.** Adopt Resolution No. 03-xxx
 - (1)** Accepting the recordation of Tract 2369-3, a 62-lot subdivision located along the north side of Montebello Oaks Drive north of Union Road; and
 - (2)** Approving the Subdivision Improvement Agreement for Tract 2369-3, guaranteeing the construction of the subdivision improvements, with an established deadline of December 16, 2004 to complete these improvements, and authorizing the Mayor to execute the Agreement; and
- b.** Adopt Resolution No. 03-xx annexing Tract 2369-3 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

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

RESOLUTION NO. 03-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ANNEXING TRACT 2369-3 AS PART OF SUBAREA 69C 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 for annex Tract 2369-3 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 2369-3 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 Fallingstar Homes.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for Tract 2369-3 shall begin with Fiscal Year 2005-2006.

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 69C

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of December 2003 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

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 2369-3, (LOTS 107-168) (FALLINGSTAR HOMES, INC.)

WHEREAS, the Developer has met all conditions of the tentative map, has posted payment and performance securities to guarantee the installation of public improvements, and submitted a certificate of insurance; 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 2369-3, 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.

SECTION 3. That the City Council of the City of Paso Robles accept the offers of dedication for Skyview Drive, Kleck Road, Dyana Court, Mary Anne Court, public tree planting, and public utility easements as shown on the final map.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of December 2003 by the following vote:

AYES:

NOES:

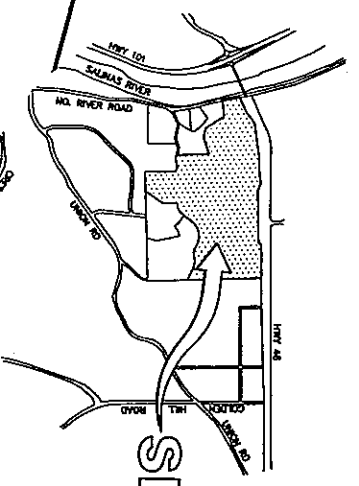
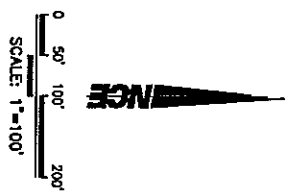
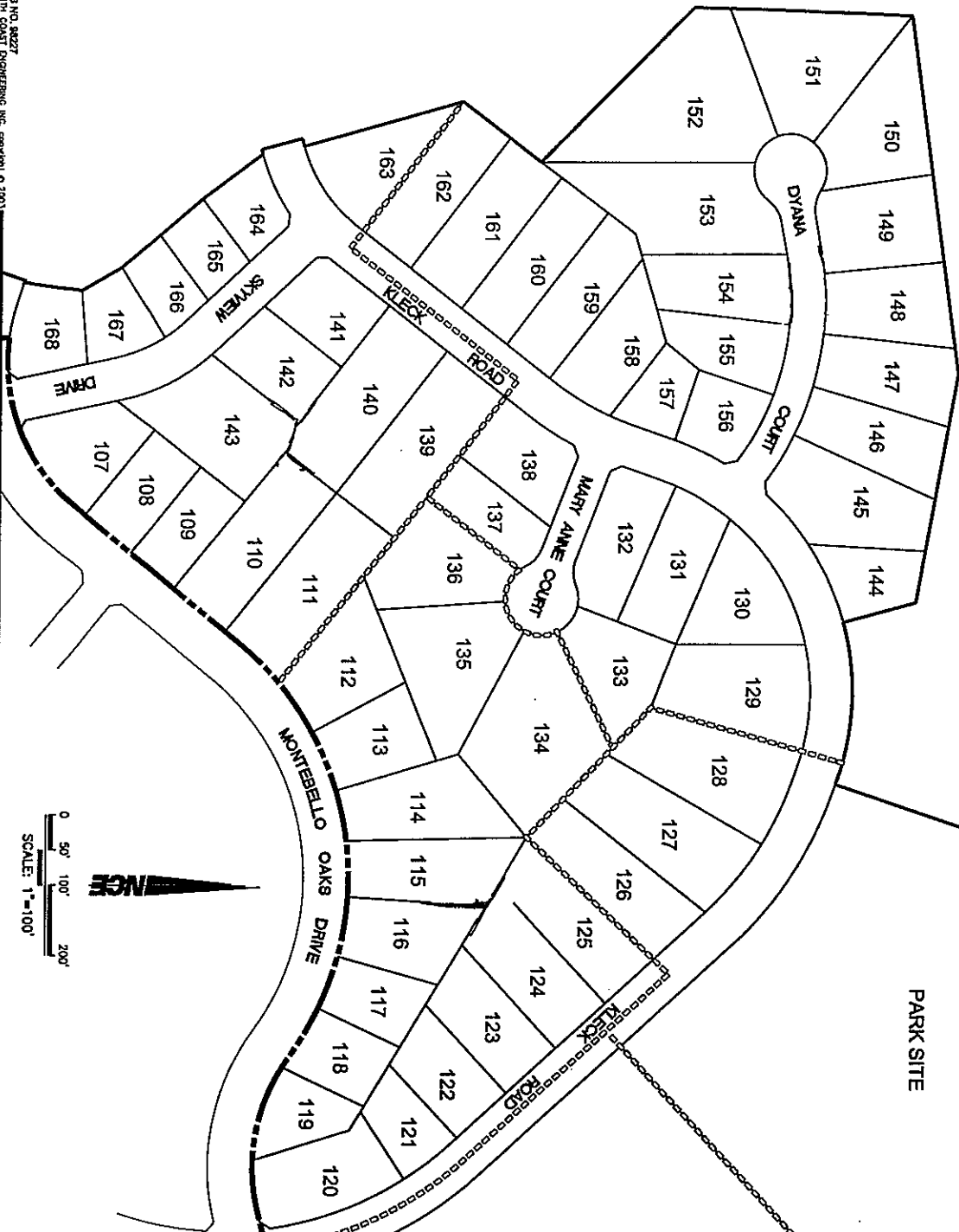
ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk



PARK SITE

VICINITY MAP
 NO SCALE

SCHOOL SITE

TRACT 2369-3
 IN THE CITY OF EL PASO DE ROBLES, COUNTY
 OF SAN LUIS OBISPO, STATE OF CALIFORNIA
 BEING A SUBDIVISION OF PORTIONS OF LOTS 2 THRU 13 PER
 THE MAP RECORDED IN BOOK 8 OF MAPS AT PAGE 100,
 RECORDS OF SAID COUNTY.

NCE NORTH COAST ENGINEERING INC.
 725 Gordon Rd Suite B, Pismo Beach, CA 93427