

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

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

**SUBJECT:** Approval of Final Map of Tract 2521, (Bertoni) for Recordation, Execution of Subdivision Improvement Agreement, and Annexation into the Landscape and Lighting Maintenance District

**DATE:** June 7, 2005

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**Needs:** That the City Council consider taking a series of steps toward recordation of the Final Tract Map for Tract 2521, a residential subdivision.

- Facts:**
1. The applicants, John and June Bertoni, have requested that Tract 2521 be authorized by the City for recordation. Tract 2521 is a 9-lot subdivision of a 11.9-acre site located along the north side of the westerly extension of 21<sup>st</sup> Street (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 2521 was originally approved by the Planning Commission on February 24, 2004. 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. (1)** Adopt Resolution No. 05-xxx authorizing the recordation of Tract 2521, a 9-lot subdivision located along the westerly extension of 21<sup>st</sup> Street, and authorizing the Mayor to execute the Subdivision Improvement Agreement for Tract 2521 guaranteeing the construction of the subdivision improvements, with an established deadline of June 7, 2007, to complete these improvements; and
- (2)** Adopt Resolution No. 05-xx annexing Tract 2521 into the Landscape and Lighting District.
- b.** Amend, modify or reject the above option.

Attachments: (3)

- 1) Vicinity and Tract Maps
- 2) Resolution Final Map
- 3) Resolution L & L

**OWNER'S STATEMENT**

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE OWNERS OF AND ALL RECORDHOLDERS OF SECURITY INTEREST IN, AND ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION AND PROJECT SHOWN HEREON, HAVE READ AND UNDERSTAND THE TERMS AND CONDITIONS AS SET FORTH IN THIS INSTRUMENT AND HEREBY CONSENT TO THE FILING AND/OR RECORDATION OF THIS MAP.

WE HEREBY RESERVE UNTO OURSELVES, OUR HEIRS, AND ASSIGNS COMPANIES WHICH ARE AUTHORIZED TO SERVE IN SAID SUBDIVISION, EASEMENTS FOR PUBLIC UTILITY PURPOSES DELINEATED ON SAID MAP AS "PUBLIC UTILITY EASEMENTS", OR "P.U.E."

WE ALSO HEREBY RESERVE TO OURSELVES, OUR HEIRS AND ASSIGNS THOSE CERTAIN PRIVATE DRAINAGE AND SEWER EASEMENTS SHOWN HEREON.

WE HEREBY DELEGATE TO THE PUBLIC FOR PUBLIC USE, TWENTY-FIRST STREET, COUNTRY NEW LANE AND PUBLIC STORM DRAIN EASEMENT AS SHOWN HEREON.

JOHN I. BERTONI AND JUNE E. BERTONI, TRUSTEES OF THE BERTONI FAMILY TRUST, DATED APRIL 4, 1994.

BY: JOHN I. BERTONI TRUSTEE DATE \_\_\_\_\_

BY: JUNE E. BERTONI TRUSTEE DATE \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF CALIFORNIA }  
SAN LUIS OBISPO COUNTY } SS

ON \_\_\_\_\_ BEFORE ME  
A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED JOHN I. BERTONI AND JUNE E. BERTONI, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S) OR THE ENTITY(Y/IES) UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

IN WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE: \_\_\_\_\_

COMMISSION EXPIRATION DATE: \_\_\_\_\_

COMMISSION #: \_\_\_\_\_

NAME PRINTED: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

**CITY CLERK STATEMENT**

I, DENNIS FANSLER, CITY CLERK OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, HEREBY STATE THAT THE CITY COUNCIL OF SAID CITY DID ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004, APPROVE THIS MAP OF TRACT 2521 SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC TWENTY-FIRST STREET, COUNTRY NEW LANE, AND PUBLIC STORM DRAIN EASEMENTS AS DEDICATED THE TERMS AND CONDITIONS SET FORTH BY THE PARTIES HAVING A RECORD TITLE INTEREST IN SAID LAND.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

DENNIS FANSLER, CITY CLERK

**TRACT 2521**

BEING A 9 LOT RESUBDIVISION OF LOTS 1 & 2 OF 2 OF 56 PM 89

THE CITY OF PASO ROBLES,  
SAN LUIS OBISPO COUNTY, CALIFORNIA



**SURVEYOR'S STATEMENT**

I, ALBERT DAN KING, HEREBY STATE THAT I AM A LICENSED SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS MAP OF SAID SUBDIVISION WAS MADE BY ME OR UNDER MY DIRECTION IN DECEMBER, 2002, AND THAT ALL THE MONUMENTS SHOWN HEREON ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN SUCH POSITIONS WITHIN ONE YEAR OF THE APPROVAL OF THIS MAP, AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

ALBERT DAN KING LS 5146 DATE \_\_\_\_\_  
LICENSE EXP. 6-30-03

**PLANNING COMMISSION STATEMENT**

I, HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES FOR TENTATIVE TRACT 2521 ON FEBRUARY 24, 2004.

ROBERT A. LATA DATE \_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR

**CITY ENGINEERS STATEMENT**

I, HEREBY STATE THAT I HAVE EXAMINED THE MAP ENTITLED TRACT 2521 AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND THE CODE OF EL PASO DE ROBLES MUNICIPAL CODE HAVE BEEN COMPLIED WITH.

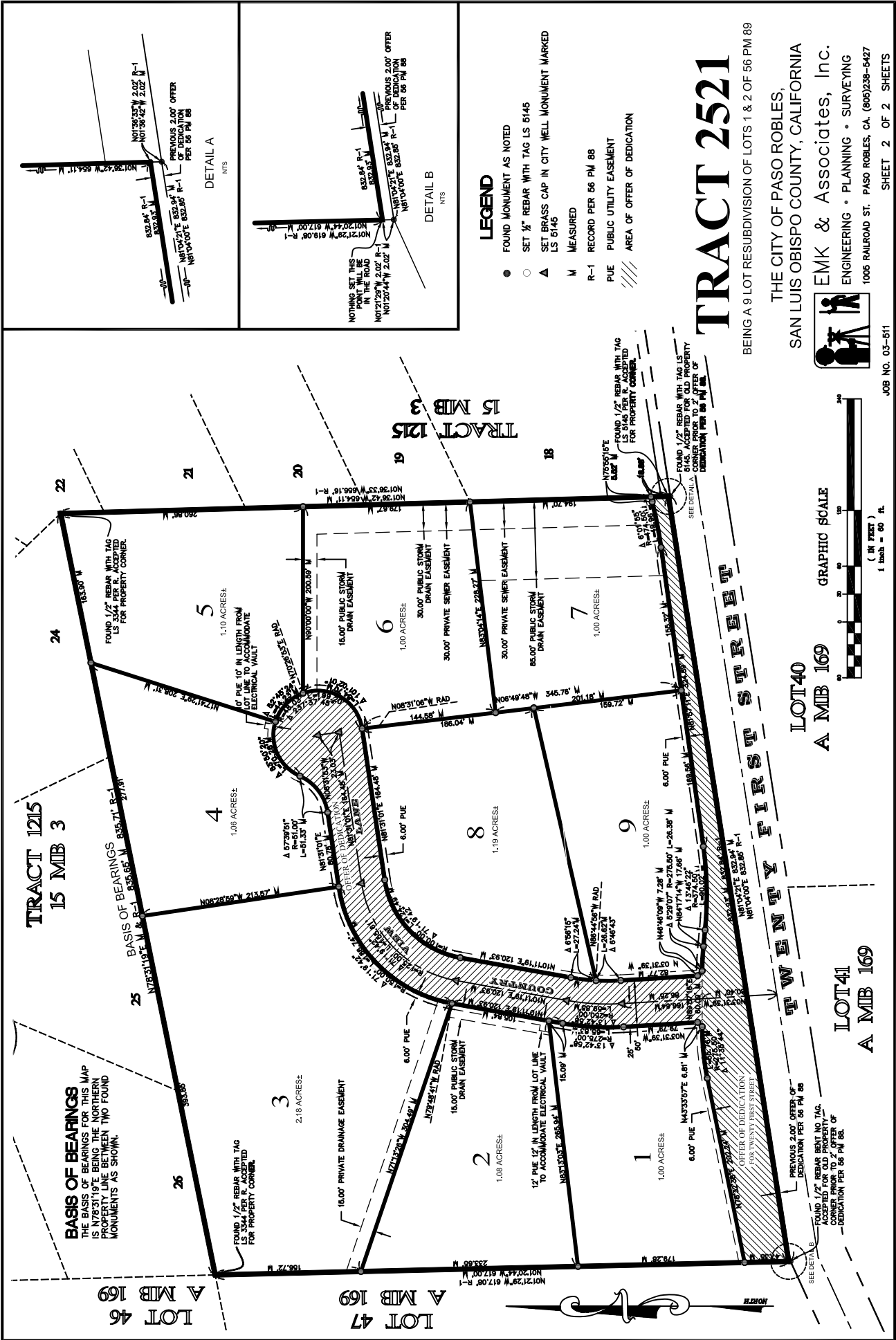
JOHN FALKENSTERN, CITY ENGINEER DATE \_\_\_\_\_  
CITY OF PASO ROBLES R.C.E. 35780 (EXPIRES 6/30/06)

**RECORDER'S CERTIFICATE**

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004  
AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS,  
ON PAGE \_\_\_\_\_, AT THE REQUEST OF ALBERT DAN KING.  
DOCUMENT NO. \_\_\_\_\_  
FEE: \$ \_\_\_\_\_  
COUNTY RECORDER \_\_\_\_\_  
DEPUTY RECORDER \_\_\_\_\_



**EMK & Associates, Inc.**  
ENGINEERING • PLANNING • SURVEYING  
1005 RAILROAD ST. PASO ROBLES, CA. (805)236-4427  
ENGINEERING MANAGER: RON M. GRIDER R.C.E. # 21,346



**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS FOR THIS MAP IS THE NORTH S 19° 35' 31" W BEARING. THE NORTHERN MONUMENTS AS SHOWN.

**TRACT 1215**  
 15 MIB 3

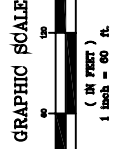
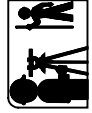
**TRACT 1215**  
 15 MIB 3

# TRACT 2521

BEING A 9 LOT RESUBDIVISION OF LOTS 1 & 2 OF 56 PM 89

THE CITY OF PASO ROBLES,  
 SAN LUIS OBISPO COUNTY, CALIFORNIA

**EMK & Associates, Inc.**  
 ENGINEERING • PLANNING • SURVEYING  
 1005 RAILROAD ST. PASO ROBLES, CA (805)238-6427



LOT 40  
 A MIB 169

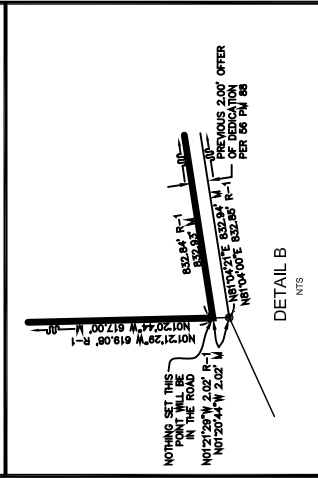
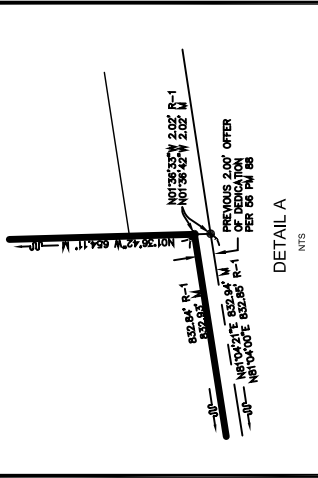
LOT 41  
 A MIB 169

JOB NO. 03-511

SHEET 2 OF 2 SHEETS  
 FIDELITY NATIONAL TITLE COMPANY # 174762

### LEGEND

- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR WITH TAG LS 5145
- ▲ SET BRASS CAP IN CITY WELL MONUMENT MARKED LS 5145
- M MEASURED
- R-1 RECORD PER 56 PM 88
- PUE PUBLIC UTILITY EASEMENT
- /// AREA OF OFFER OF DEDICATION



RESOLUTION NO. 05-

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 2521 (BERTONI)

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WHEREAS, the Subdivider, John Bertoni, has met all Planning Commission conditions of approval of Tentative Tract 2521, has posted payment and performance securities to guarantee the installation of public improvements, and has submitted a certificate of insurance; and

WHEREAS, City staff has reviewed the Final Tract Map for Tract 2521 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 authorize the execution and recordation of the Final Tract Map for Tract 2521.

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 for Tract 2521 and does hereby authorize the Mayor to execute the Subdivision Improvement Agreement.

SECTION 3. That the City Council of the City of Paso Robles accept the offers of dedication for a drainage basin, 21<sup>st</sup> Street, Country View Lane, public storm drain easement, and public utility easements as shown on the Final Tract Map of Tract 2521.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 7th day of June 2005 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

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

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

Attn.: Ditas Esperanza

**FOR RECORDERS USE ONLY**

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ANNEXING TRACT 2521 (BERTONI) AS PART OF SUBAREA 99 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 2521 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 2521 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 John I. and June E. Bertoni.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for TRACT 2521 shall begin with Fiscal Year 2006-2007.

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 99.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 7th day of June, 2005 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Frank R. Mecham, Mayor

ATTEST:

\_\_\_\_\_  
Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT "A"

Parcels 1 and 2 of Parcel Map PR 01-360, in the City of Paso Robles, County of San Luis Obispo, State of California, according to map recorded August 22, 2002 in Book 56, pages 88 & 89 of Parcel Maps, in the office of the County Recorder of said County.

Assessor's Parcel No.: 008-431-051, 052