

TO: James L. App, City Manager

FROM: Robert A. Lata, Community Development Director

SUBJECT: Acceptance of Tract 2611-1, Lots 1-39 (Centex Homes) for Recordation, Annexation No. 05-002 to Community Facilities District No. 2005-1 for Public Services, Execution of Subdivision Improvement Agreement, and Annexation into the Landscape and Lighting Maintenance District

DATE: September 6, 2005

Needs: That the City Council consider taking a series of steps toward finalizing development plans for a residential subdivision, including authorizing the approval of the annexation of Tract Map 2611-1 into the existing Community Facilities District (CFD) No. 2005-1 for Public Services.

Facts:

1. The applicant, Centex Homes, has requested that Tract 2611-1 be accepted by the City for recordation. Tract 2611-1 is a 39-lot subdivision of a 9.01-acre site, located along the extension of Brahma Street, between Serenade Drive and Oxen Court (see Attachment 1).
2. The owners of the above properties were conditioned to annex to a Community Facilities District as a condition of the Tentative Map, approval.
3. Resolution No. 05-063 adopted by City Council on April 5, 2005 authorizes the City to annex to CFD 2005-1, properties which will be assessed only for eligible public services, without further public hearings or formal elections upon receipt of written consent from the owners.
4. The owners have given consent and approval that such parcel or parcels be annexed to CFD No. 2005-1. The owners have agreed and intend that such consent and approval constitutes election to annex to CFD No. 2005-1 and approval of the authorization for the levy of the Special Tax within the property. (see Attachment 2)
5. 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.
6. The applicants have signed a petition and voted in favor of annexation into the Landscape and Lighting District.

Analysis & Conclusion: Tract 2611 was originally approved by the Planning Commission on December 14, 2004.

Annexation to the City's CFD 2005-1 is necessary to mitigate projected adverse fiscal impacts of new residential development.

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:

General Plan
California Government Code Section 66462 ("Subdivision Map Act")
Paso Robles Municipal Code Section 22.16.160

Fiscal

Impact:

With annexation to the CFD, none.

Options:

That the City Council accept the subject map and agreement by taking the following actions:

- a. (1)** Adopt Resolution No. 05-xx certifying and adding the above properties to CFD No. 2005-1, and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and
 - (2)** Adopt Resolution No. 05-xx accepting the recordation of Tract 2611-1, a 39-lot subdivision located along the northerly extension of Brahma Street, between Serenade Drive and Oxen Court; and approving the Subdivision Improvement Agreement for Tract 2611-1 guaranteeing the construction of the subdivision improvements, with an established deadline of September 6, 2006, to complete these improvements, and authorizing the Mayor to execute the Agreement; and
 - (3)** Adopt Resolution No. 05-xxx annexing Tract 2611-1 into the Landscape and Lighting District.
- b.** Amend, modify, or reject the above option.

Attachments: (5)

- 1) Amendment to the Notice of Special Tax Lien with Attachments & Exhibits
- 2) Vicinity Map/Reduced size tract map
- 3) Resolution CFD
- 4) Resolution Final Map
- 5) Resolution L & L

RECORDING REQUESTED BY AND

WHEN RECORDED RETURN TO:

**CITY ENGINEER
COMMUNITY DEVELOPMENT DEPT.
CITY OF EL PASO DE ROBLES
1000 SPRING STREET
PASO ROBLES, CA 93446**

**AMENDMENT TO THE NOTICE OF SPECIAL TAX LIEN
(NOTICE OF ANNEXATION)**

ANNEXATION No. 05-002

**CITY OF PASO ROBLES
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SERVICES)**

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code and Section 53339.8 of the Government Code, the undersigned City Clerk of the City of Paso Robles, acting for and on behalf of the legislative body of the CITY OF PASO ROBLES, COMMUNITY FACILITIES DISTRICT NO. 2005-1 (Public Services), STATE OF CALIFORNIA, HEREBY GIVES NOTICE that a lien is hereby imposed to secure payment of a special tax which the City Council of the City of Paso Robles, County of San Luis Obispo, State of California, acting in its capacity as the legislative body of such Community Facilities District is authorized to annually levy for the following purpose:

To finance increased demand for public services resulting from new development within the District.

Based on the attached Consent and Election to Annex Real Property to an Existing Community Facilities District, the special tax is authorized to be levied on the property described in "**Exhibit A**" attached hereto (the "Annexed Property") which has been annexed to the District, which has now been officially formed, and the lien of the special tax is a continuing lien, which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied and cancelled in accordance with law or until the special tax ceases to be levied and a Notice of Cessation of Special Tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate and method of apportionment of the authorized special tax is as shown on the attached, referenced and incorporated **Exhibit "B"**, and the special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, as applicable, the legislative body of the District may, by resolution, establish and adopt an alternative or supplemental collection procedure as necessary.

Notice is further given that upon the recording of this notice in the office of the County Recorder, the obligation to pay the special tax levy shall become a lien upon the Annexed Property in accordance with Section 3115.5 of the Streets and Highways Code.

The names of the owners of the Annexed Property as they appear on the last secured assessment roll as of the date of recording of this Notice and Assessor's tax parcels numbers of all parcels or any portion thereof which are included within the Annexed Property are as set forth on the attached, referenced and incorporated **Exhibit "A"**.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the following designated person: Director of the Community Development Department

Dated: _____

Dennis Fansler, City Clerk
City of Paso Robles, State of California

**CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING
COMMUNITY FACILITIES DISTRICT**

**CITY OF PASO ROBLES
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)**

TO: CITY COUNCIL OF THE CITY OF PASO ROBLES IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE ABOVE ENTITLED COMMUNITY FACILITIES DISTRICT:

1. The undersigned is the owner (the "Owner"), or the duly authorized representative of the Owner, of the real property as described in Exhibit A attached hereto and incorporated herein by reference (the "Property"), and in such capacity, possesses all legal authority necessary to execute this Consent and Election as and on behalf of the Owner in connection with the annexation of the Property to the District (as defined below).

The Owner is:

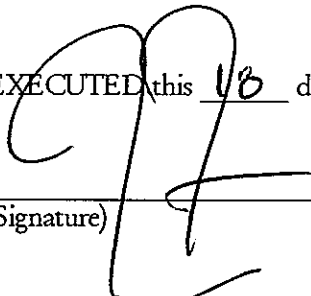
Centex Homes, a Nevada General Partnership
735 Tank Farm Road
San Luis Obispo, CA 93401

2. The Owner is aware of and understands the following:
 - A. The City of Paso Robles has conducted proceedings pursuant to the "Mello-Roos Community Facilities Act of 1982", (Government Code Section 53311 and following) (the "Act") to form a community facilities district known and designated as COMMUNITY FACILITIES DISTRICT ("CFD") NO. 2005-1 (PUBLIC SERVICES) (the "District") to finance the increased demand for public services (the "Services") resulting from new development within the District. The services to be financed by the CFD comprise services ("Services") authorized to be financed pursuant to Section 53313 and 53313.5 of the Government Code. CFD 2005-01 shall finance Services only to the extent they are in addition to those provided in the territory of CFD 2005-01 before the CFD was created and such Services may not supplant services already available within CFD 2005-01 when the CFD was created.
For a full and complete description of the public services, reference is made to the final CFD Report, a copy of which is on file in the Office of the City Clerk. For all particulars, reference is made to said CFD Report.
 - B. The City has also undertaken proceedings pursuant to Article 3.5 of the Act to provide for the future annexation of certain territory, including the Property, to the District. On April 5, 2005, the City held a public hearing as required by the Act, to consider the future annexation of such territory, including the Property, to the District. Notice of such hearing was given in the form and manner as required by law. A protest to such future annexation was not received from 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be annexed in the future or the owners of one-half or more of the area of land in the territory proposed to be annexed in the future. At the conclusion of such public hearing, the legislative body of the City did approve and provide for the annexation in the future upon the unanimous approval of the owner or owners of each parcel or parcels at the time that such parcel or parcels are annexed, without additional hearings.

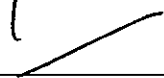
THE UNDERSIGNED DOES HEREBY CERTIFY UNDER PENALTY OF PERJURY AS FOLLOWS:

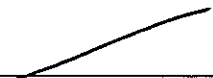
3. The Owner consents and elects to and expressly approves annexation of the Property to the District and the authorization for the levy of the Special Tax within the Property without further public hearing and without an election conducted pursuant to the provisions of Government Code Section 53339.7 and Article 2 of the Act and the Elections Code of the State of California. Owner agrees and intends that such consent and approval constitutes Owner's election to annex the Property to the District and to approve the authorization for the levy of the Special Tax within the Property.
4. The Owner waives any right which the Owner may have, to make any protest or complaint or undertake any legal action challenging the validity of the proceedings of the City or the District to authorize the future annexation of the Property to the District or the authorization for the levy of the Special Tax within the Property, any necessity, requirement, right or entitlement for further public hearing or election pertaining to the annexation of the Property to the District and the levy of the Special Tax within the Property.
5. The Owner specifically authorizes the levy of the Special Tax on the Property pursuant to the rate and method of apportionment set forth in Exhibit B to pay for the authorized Public Services.

EXECUTED this 18 day of August, 2005, in SAN LUIS OBISPO, California.


(Signature)

TRAVIS FUENTEZ
Type or print name of signor


(Signature)


Type or print name of signor

- Note:
1. Signatures of property owner(s) or representatives must be notarized.
 2. Proof of Authorization to sign is required for Corporations, Partnerships, Limited Liability Companies Trusts, etc.

ACKNOWLEDGMENT

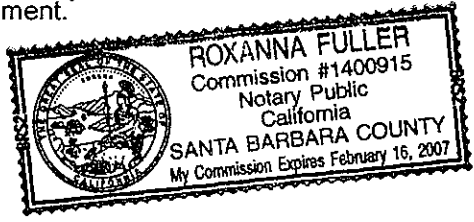
State of California
County of San Luis Obispo } ss.

On August 22 2005, before me, ROXANNA FULLER, a Notary Public, appeared TRAVIS FUENTES

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/they 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(ies) upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Roxanna Fuller
Signature of Notary Public



ACKNOWLEDGMENT

State of _____
County of _____ } ss.

On _____, before me, _____, a Notary Public, appeared

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/they 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(ies) upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature of Notary Public

ACKNOWLEDGMENT

State of _____
County of _____ } ss.

On _____, before me, _____, a Notary Public, appeared

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/they 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(ies) upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature of Notary Public

EXHIBIT A

**CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING
COMMUNITY FACILITIES DISTRICT**

**CITY OF PASO ROBLES
COMMUNITY FACILITIES DISTRICT No. 2005-1
(PUBLIC SERVICES)**

ANNEXATION No. 05-002

Legal description: That portion of Lot 42 of the Subdivision of Rancho Santa Ysabel, in the City of Paso Robles, County of San Luis Obispo, State of California, according to map recorded January 25, 1887 in Book A, page 29 of Maps, described as follows:

Beginning at the Southwest corner of said Lot;
thence North 89° 45' East along the South line of said Lot, 2225.10 feet;
thence North 0° 15' West, 400.00 feet;
thence South 89° 45' West, 2130.91 feet to a point on the Westerly line of said Lot 42;
thence South 13° West, 410.94 feet along said Westerly line to the point of beginning.

EXCEPTING therefrom that portion of said land described as follows:

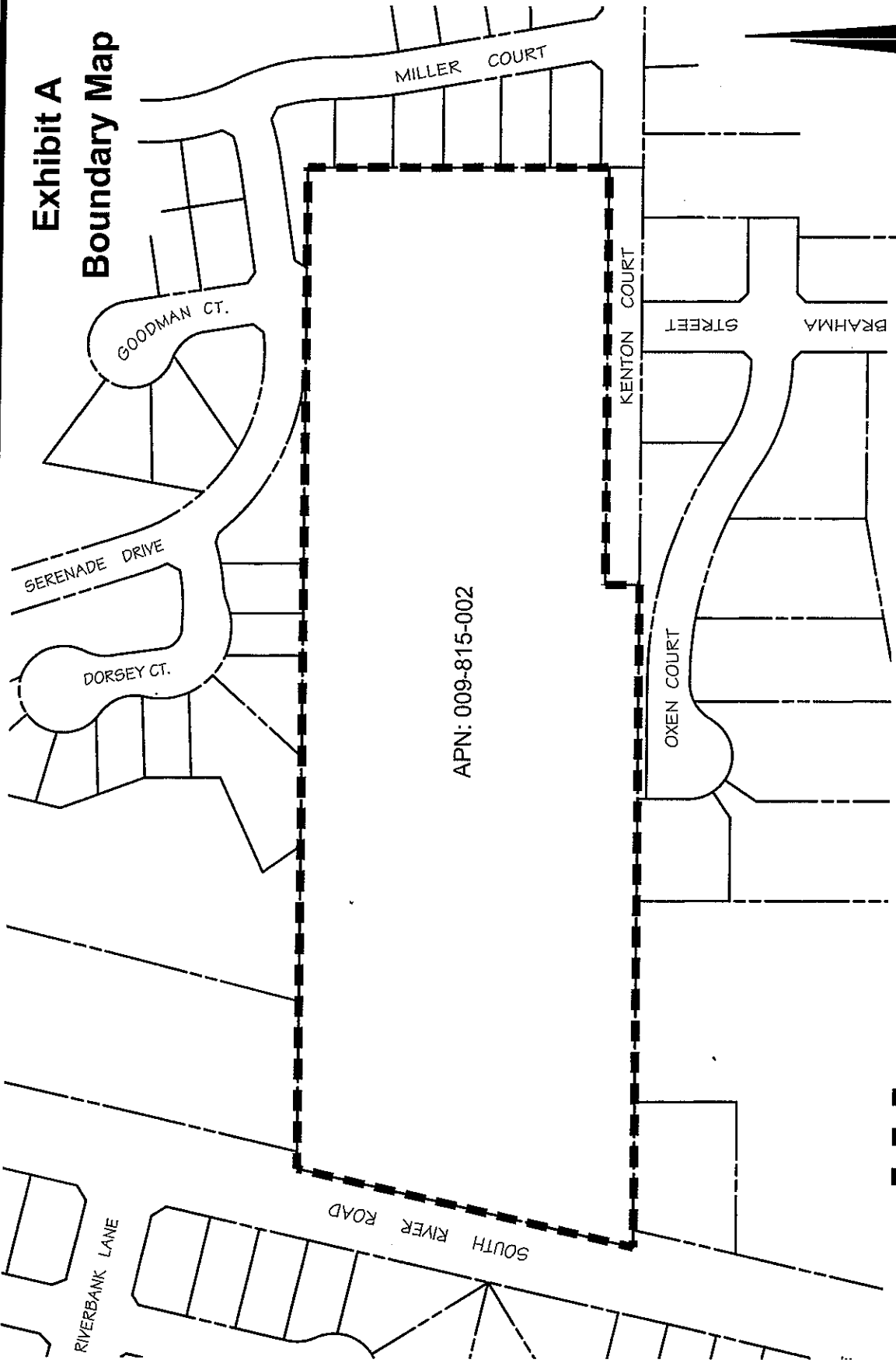
Beginning at the Southwest corner of said Lot;
thence North 89° 45' East along the South line of said Lot, 825.10 feet to the true point of beginning;
thence continuing along said South line, North 89° 45' East, 1400 feet;
thence North 0° 15' West, 400 feet;
thence South 89° 45' West, 900 feet;
thence South 0° 15' East, 360 feet;
thence South 89° 45' West, 500 feet;
thence South 0° 15' East, 40 feet to the true point of beginning.

ALSO EXCEPTING therefrom any portion thereof within Tract 2311 recorded in book 18, Page 83 et seq., of Maps.

Assessor's Parcel No: 009-815-002

Name of the owners of the Annexed Property: Centex Homes, a Nevada General Partnership

Exhibit A Boundary Map



LEGEND

Proposed Boundaries of City of Paso Robles Community Facilities District 2005-1
Annexation No. 05-002 San Luis Obispo County, California

EXHIBIT B

CITY OF PASO ROBLES COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)

RATE AND METHOD OF APPORTIONMENT

A Special Tax as hereinafter defined shall be levied on all Assessor's Parcels in City of Paso Robles Community Facilities District No. 2005-1 (Public Services) ("CFD No. 2005-1") and collected each Fiscal Year commencing in Fiscal Year 2005-06, in an amount determined by the Council through the application of the appropriate Special Tax for "Developed Property," as described below. All of the real property in CFD No. 2005-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2005-1: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes (whether by the City or otherwise); the costs to the City, CFD No. 2005-1 or any designee thereof of complying with City, CFD No. 2005-1 or obligated persons disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City, CFD No. 2005-1 or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2005-1 for any other administrative purposes of CFD No. 2005-1, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor's Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by Assessor's Parcel number.

"Blended Consumer Price Index" means the sum of the Los Angeles Urban Consumer Price Index and the San Francisco Urban Consumer Price Index, divided by two.

"CFD Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"CFD No. 2005-1" means City of Paso Robles Community Facilities District No. 2005-1 (Public Services).

"City" means the City of Paso Robles.

"Council" means the City Council of the City, acting as the legislative body of CFD No. 2005-1.

"County" means the County of San Luis Obispo.

"Developed Property" means, for each Fiscal Year, all Assessor's Parcels of Residential Property for which a building permit has been issued on or after April 1, 2005.

"Dwelling Unit" means a building or portion thereof designed for and occupied in whole or part as a residence or sleeping place, either permanently or temporarily, by one family and its guests, with sanitary facilities and one kitchen provided within the unit. Boarding or lodging houses, dormitories, and hotels shall not be defined as Dwelling Units unless the land use permit specifies a residential use.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any of the classes listed in Table 1.

"Los Angeles Urban Consumer Price Index" means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the Los Angeles - Anaheim - Riverside Area, measured as of the month of December in the calendar year which ends in the previous Fiscal Year. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the City of Los Angeles.

"Maximum Special Tax" means, for each Fiscal Year, the maximum Special Tax, determined in accordance with Section C, below, that can be levied on any Assessor's Parcel.

"Non-Residential Property" means, for each Fiscal Year, all Assessor's Parcels of Developed Property for which a building permit was issued on or after April 1, 2005 for a non-residential use.

"Property Owner Association Property" means, for each Fiscal Year, any Assessor's Parcel within the boundaries of CFD No. 2005-1 that is owned by or irrevocably offered for dedication to a property owner association, including any master or sub-association.

"Proportionately" means that the ratio of the actual annual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Developed Property.

"Public Property" means, for each Fiscal Year, (i) any property within the boundaries of CFD No. 2005-1 that is owned by or irrevocably offered for dedication to the federal government, the State, the City or any other public agency; provided however that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act, as such section may be amended or replaced, shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2005-1 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"Residential Property" means, for each Fiscal Year, all Assessor's Parcels of Developed Property for which a building permit was issued on or after March 1, 2005 for purposes of constructing one or more residential Dwelling Units.

"San Francisco Urban Consumer Price Index" means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco – Oakland - San Jose Area, measured as of the month of December in the calendar year that ends in the previous Fiscal Year. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco – Oakland - San Jose Area.

"Services" means those services authorized to be financed by CFD No. 2005-1 pursuant to Section 53313 and Section 53313.5 of the Act. CFD No. 2005-1 shall finance Services only to the extent that they are in addition to those provided in the territory of CFD No. 2005-1 before the CFD was created and such Services may not supplant services already available within CFD No. 2005-1 when the CFD was created.

"Special Tax" means the special tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property to fund the Special Tax Requirement.

"Special Tax Requirement" means that amount to be collected in any Fiscal Year for CFD No. 2005-1 to pay for certain costs as required to meet the needs of the CFD in that Fiscal Year. The costs to be covered shall be the direct costs for (i) Services, and (ii) Administrative Expenses; less (iii) a credit for funds available to reduce the annual Special Tax levy, if any, as determined by the CFD Administrator. Under no circumstances shall the Special Tax Requirement include debt service payments for debt financings by CFD No. 2005-1.

"State" means the State of California.

"Undeveloped Property" means, for each Fiscal Year, all property not classified as Developed Property, Non-Residential Property, Property Owner Association Property, or Public Property.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, all Assessor's Parcels, as applicable within CFD No. 2005-1, shall be classified as Developed Property, Non-Residential Property, Undeveloped Property, Property Owner Association Property, or Public Property. However, only Developed Property shall be subject to annual Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below. All Developed Property shall be assigned to Land Use Class

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

a. Maximum Special Tax

The Maximum Special Tax for Fiscal Year 2005-06 for Developed Property is shown below in Table 1. Such Special Taxes shall only be levied for new structures on Residential Property. However, under no circumstances shall a Special Tax be levied on additions to existing Dwelling Units.

TABLE 1

**Maximum Special Taxes for Developed Property
For Fiscal Year 2005-06
Community Facilities District No. 2005-1**

Land Use Class	Land Use	Maximum Special Tax Per Dwelling Unit
I	Residential Property	\$657.00 per Dwelling Unit

b. Multiple Land Use Classes

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax that can be levied on an Assessor's Parcel shall be the sum of the Maximum Special Taxes that can be levied for all Land Use Classes located on that Assessor's Parcel.

c. Increase in the Maximum Special Tax

On each July 1, commencing on July 1, 2006, the Maximum Special Tax for Developed Property shall be increased annually by the greater of the change in the Blended Consumer Price Index during the twelve months prior to December of the previous Fiscal Year, or two percent (2%).

2. Undeveloped Property

No Special Taxes shall be levied on Undeveloped Property.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2005-06 and for each following Fiscal Year, the Council shall levy the annual Special Tax Proportionately for each Assessor's Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax, until the amount of Special Taxes equals the Special Tax Requirement.

E. EXEMPTIONS

In addition to Undeveloped Property being exempt from annual Special Taxes, no Special Tax shall be levied on Non-Residential Property, Public Property or Property Owner Association Property. However, should an Assessor's Parcel no longer be classified as Non-Residential Property, Public Property or Property Owner Association Property, such Assessor's Parcel shall, upon each reclassification, no longer be exempt from Special Taxes.

F. APPEALS AND INTERPRETATIONS

Any landowner or resident may file a written appeal of the Special Tax on his/her property with the CFD Administrator, provided that the appellant is current in his/her payments of Special Taxes. During the pendency of an appeal, all Special Taxes previously levied must be paid on or before the payment date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination. If the CFD Administrator agrees with the appellant, the CFD Administrator shall eliminate or reduce the Special Tax on the appellant's property and/or provide a refund to the appellant. If the CFD Administrator disagrees with the appellant and the appellant is dissatisfied with the determination, the appellant then has 30 days in which to appeal to the Council by filing a written notice of appeal with the City Clerk, provided that the appellant is current in his/her payments of Special Taxes. The second appeal must specify the reasons for the appellant's disagreement with the CFD Administrator's determination. The CFD Administrator may charge the appellant a reasonable fee for processing the appeal.

Interpretations may be made by the Council by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment.

G. MANNER OF COLLECTION

The annual Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that CFD No. 2005-1 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations.

H. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity as necessary to meet the Special Tax Requirement.

CERTIFICATION OF ADEQUACY OF CONSENT
AND ELECTION TO ANNEX REAL PROPERTY
TO AN EXISTING COMMUNITY FACILITIES DISTRICT

ANNEXATION No. **05-002**

The undersigned is the duly appointed CITY CLERK for the proceedings relating to the annexation of property to the District.

On the _____ day of _____, 2005, at Paso Robles, California.

Dennis Fansler, City Clerk
City of Paso Robles, State of California

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE OWNERS OF (AND ALL THE RECORD-HOLDERS OF) SECURITY INTEREST IN), AND ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION AND PROJECT DESCRIBED HEREIN, HAVE AGREED TO THIS PLAN AND THAT EACH OF US DOES HEREBY CONSENT TO THE FILING OF THIS PLAN AND TO THE DEDICATION OF THE PUBLIC SPACE TO THE PUBLIC. WE ALSO DEDICATE TO THE PUBLIC ALL STREETS SHOWN ON THIS MAP. WE ALSO DEDICATE TO THE PUBLIC ALL TREE PLANTING AND NON-ACCESS PURPOSES SO DESIGNATED ON THIS MAP AND ALL UTILITIES CURRENT THEREIN. WE HEREBY DEDICATE OPEN SPACE IN FEE TO THE PUBLIC FOR RECREATION PURPOSES. WE HEREBY DEDICATE LOT A IN FEE SIMPLY TO THE PUBLIC FOR DETENTION PURPOSES.

WE HEREBY RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS CERTAIN PRIVATE ACCESS AND DRAINAGE EASEMENTS FOR THE USE AND BENEFIT OF THE PRESENT OR FUTURE OWNERS OF THE LOTS AFFECTED BY SUCH EASEMENTS AS DELINEATED ON SAID MAP.

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

BY: CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP

BY: TRAVIS L FUENTEZ, DIVISION MANAGER, CA-CENTRAL COAST DIVISION

STATE OF CALIFORNIA }
COUNTY OF SAN LUIS OBISPO }
S.S. }

[illegible]

NOTARY SIGNATURE _____

COUNTY OF SAN LUIS OBISPO, CA. _____

NAME PRINTED _____

NOTARY EXPIRES _____

NOTARY COMMISSION NUMBER _____

PARCEL 2, BEING A 20' WIDE RIGHT-OF-WAY FOR ROAD PURPOSES AS PER BOOK 1005, AT PAGE 314 OF OFFICIAL RECORDS.

2005, APPROVE THE MAP OF TRACT 2881-1 SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC ALL THE TERMS AND CONDITIONS SET FORTH HEREON FOR THE PURPOSES OF THE OFFER OF DEDICATION BY THE PARTIES HAVING A RECORD TITLE INTEREST IN SAID LAND, AND THE OFFERS OF DEDICATION SHOWN HEREON FOR DRAINAGE, ACCESS, AND MAINTENANCE EASEMENTS WE REJECTED WITHOUT PREJUDICE TO FUTURE ACCEPTANCE.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2005.

JENNIS FANSLER, CITY CLERK

HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT THE MAP CONFORMS WITH THE ACTION TAKEN BY THE CITY OF EL PASO DE ROBLES FOR RACT 2611-1 ON DECEMBER 14, 2004.

ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBROGATION MAP ACT AND LOCAL ORDINANCE. AT THE REQUEST OF CENTRY REAL ESTATE, I HAVE CONFORMED TO THE REQUIREMENTS OF THE SUBROGATION MAP ACT OF 2004. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP AND THAT ALL THE CONQUERERS 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.

GIEVEN J. SYLVESTER R.C.E. 29743 DATE
EXP. 3/31/07



HERREY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED TRACT 2611-1, WHEREIN THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

DATE: _____
JOHN R. FALKENSTEN
CITY ENGINEER
CITY OF PASO ROBLES
R.C.E. C33760 (EXP. 6/30/06)

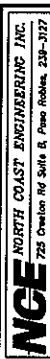
FILED THIS _____ DAY OF _____, 2005, AT _____, MO., IN BOOK _____
 IF MAPS AT PAGES _____, AT THE REQUEST OF STEVEN J. SYLVESTER.
 DOCUMENT NO. _____
 FEE: _____

JULIE L. ROOSEWALD
 COUNTY RECORDER

 DEPUTY RECORDER

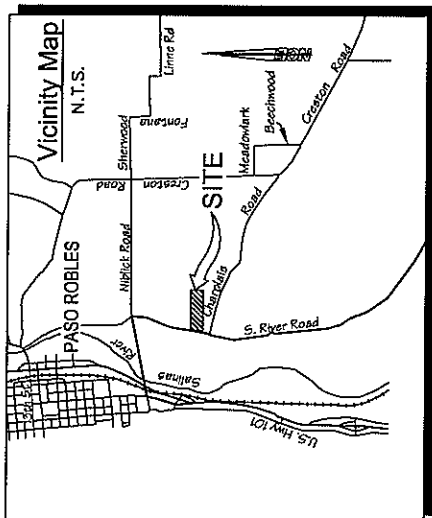
TRACT 2611-1

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF A PORTION OF LOT 42 OF THE SUBDIVISION OF RANCHO SANTA YSABEL, RECORDED IN BOOK A OF MAPS, AT PAGE 28 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY



ORTH COAST ENGINEERING INC., Copyright © 2003.

HEET 1 OF 4



REFERENCES

- R1 RECORD DATA PER 16/MB/96
- R2 RECORD DATA PER 16/MB/93
- R3 RECORD DATA PER 19/MB/98
- R4 RECORD DATA PER 29/PH/98
- R5 RECORD DATA PER 72/LS/25
- R6 RECORD DATA PER 15/MB/84
- R7 RECORD DATA PER 54/PH/1
- D1 RECORD DATA PER GRANT DEED 1005/OK/314

LEGEND

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN TWO FOUND MONUMENTS ALONG THE NORTH LINE OF TRACT 1771-1, SHOWN NOTED TO BE N 89°51'11" E PER R1.

LEGEND

- FOUND 5/8" REBAR "LS 4845" PER R2
- ▲ FOUND STANDARD CITY WELL MONUMENT WITH BRASS CAP STAMPED "LS 4845" PER R2
- SET 5/8" REBAR WITH PLASTIC CAP
- △ SET STANDARD CITY WELL MONUMENT WITH BRASS CAP STAMPED "RCE 29743"
- ⊙ SET NAIL & TAG "RCE 29743" ON TOP OF CURB AT PROPERTY LINE EXTENSION

CALC CALCULATED
INTX INTERSECTION
M MEASURED

SCALE: 1"=100'

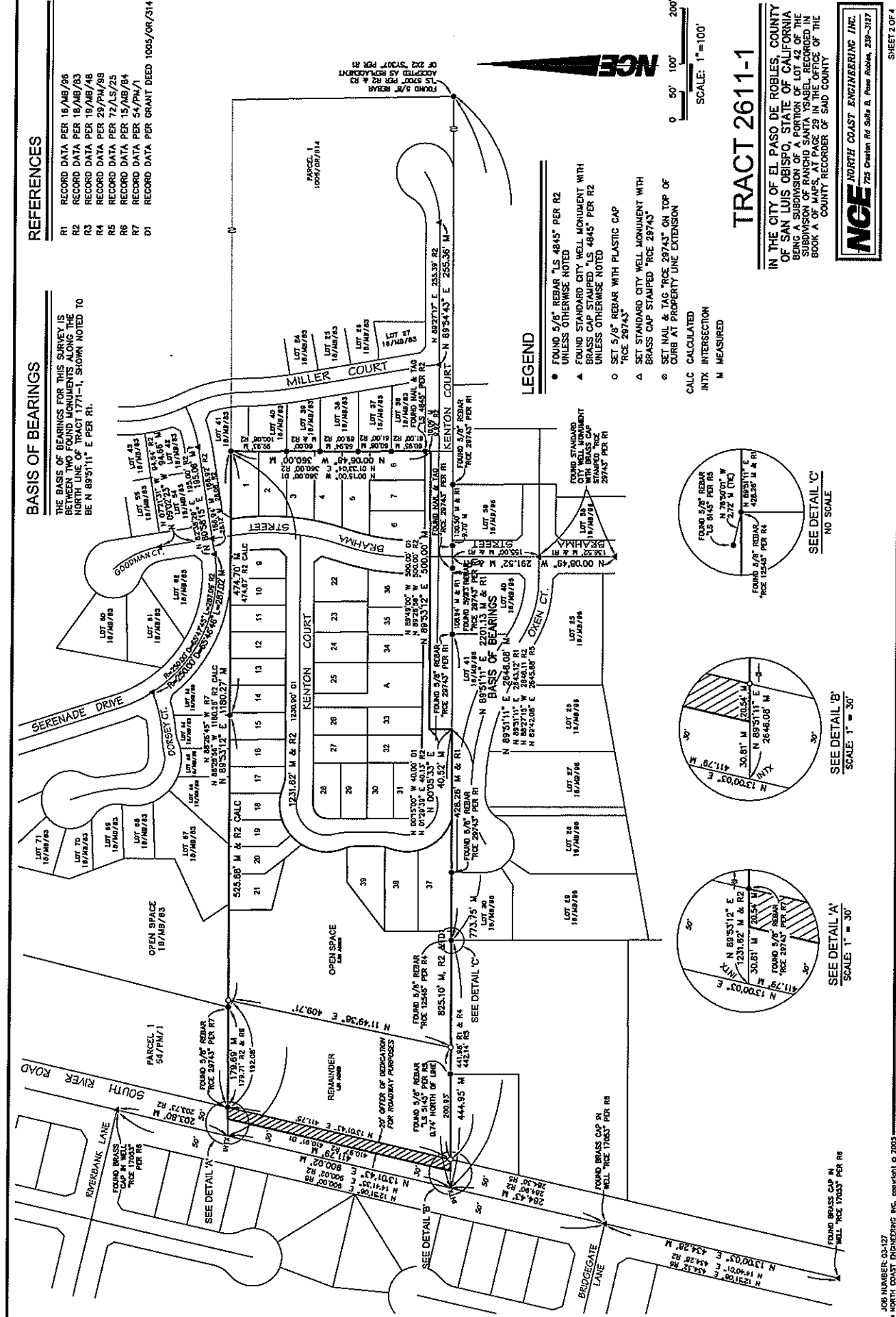
TRACT 2611-1

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA
BEING A SUBDIVISION OF A PORTION OF LOT 42 OF THE SUBDIVISION OF RANCHO SANTA YSABEL, RECORDED IN BOOK A OF PLATS, PAGE 22, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

NCE NORTH COAST ENGINEERING INC.

725 Ocean Rd Suite B, Pismo Beach, 93426-3127

SHEET 2 OF 4



LEGEND

- FOUND 5/8" REBAR "LS 4845" PER R2
UNLESS OTHERWISE NOTED
- ▲ FOUND STANDARD CITY WELL MONUMENT WITH
BRASS CAP STAMPED "LS 4845" PER R2
UNLESS OTHERWISE NOTED
- SET 5/8" REBAR WITH PLASTIC CAP
"RCE 28743"
- △ SET STANDARD CITY WELL MONUMENT WITH
BRASS CAP STAMPED "RCE 28743"
- SET NAIL & TAG "RCE 28743" ON TOP OF
CURB AT PROPERTY LINE EXTENSION
CALCULATED
- M MEASURED



0 20' 40' 80'
SCALE: 1"=40'

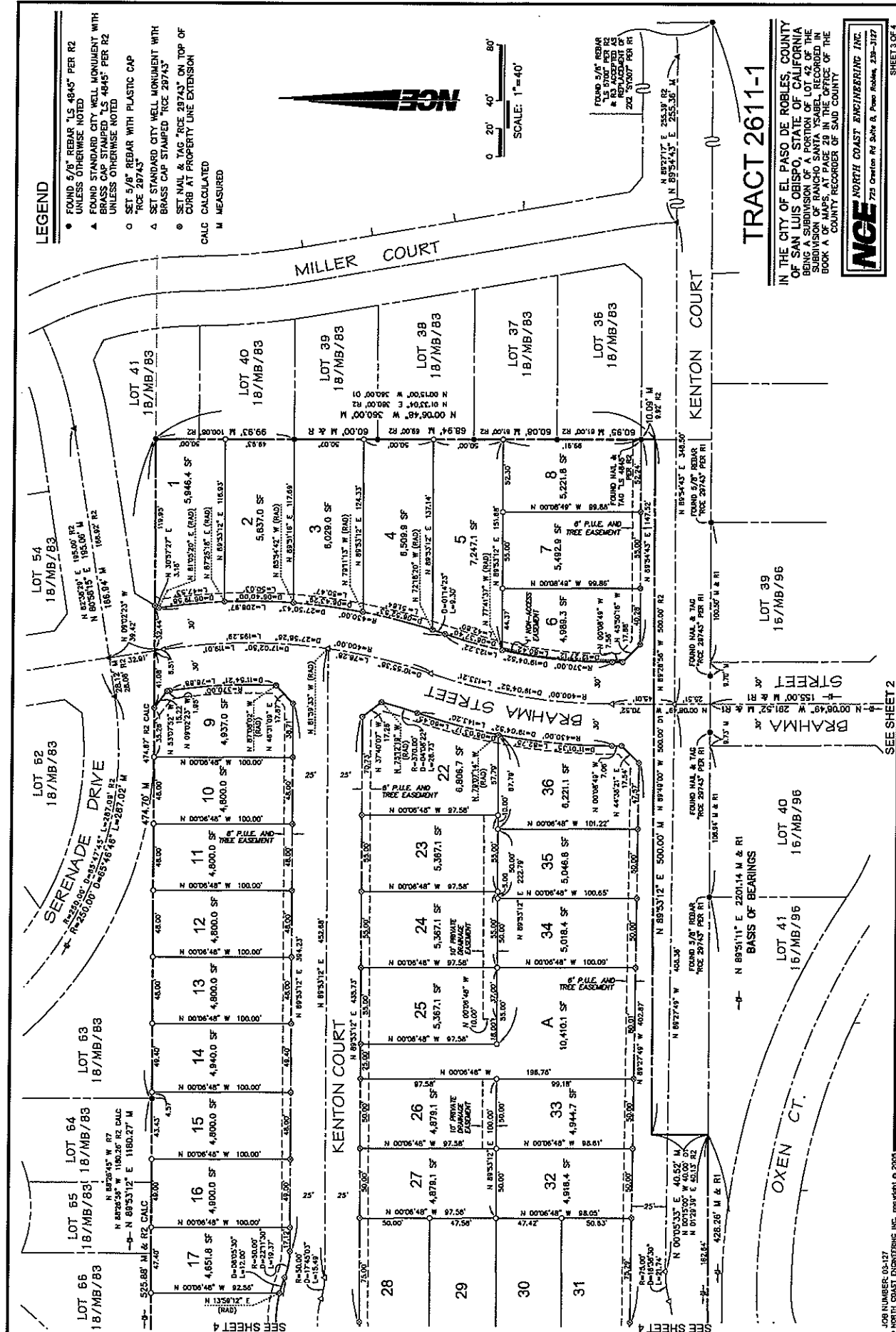
TRACT 2611-1

IN THE CITY OF EL PASO DE ROBLES, COUNTY
OF SAN LUIS OBISPO, STATE OF CALIFORNIA
BEING A SUBDIVISION OF A PORTION OF LOT 42 OF THE
SUBDIVISION OF RANCHO SANTA YSABEL, RECORDED IN
BOOK A OF PLATS, PAGE 11, IN THE PUBLIC RECORDS OF THE
COUNTY RECORDER OF SAID COUNTY

NCE NORTH COAST ENGINEERING, INC.
7750 Ocean Blvd Suite B, Pismo Beach, CA 93451
312-3127

JOB NUMBER: 03-127
NORTH COAST ENGINEERING, INC. 03/14/91 © 2003

SEE SHEET 2



RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
The City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

Attn: JOHN FALKENSTIEN, P.E.

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ANNEXING TRACT 2611-1 TO THE CITY'S
COMMUNITY FACILITIES DISTRICT NO. 2005-1

WHEREAS, the owner of the real property described in Exhibit 'A' has petitioned to annex Tract 2611 phase 1 into the Paso Robles Community Facilities District No. 2005-1 (Public Services).

NOW, 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 Community Facilities District 2005-1 and that the subject properties shall be subject to a tax lien of \$657 per dwelling unit per year, which, in turn, is subject to escalation based on a blend of the San Francisco Urban Consumer Price Index and Los Angeles Urban Consumer Price Index or two percent, whichever is greater.

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 Consent and Election to Annex Real Property to an Existing Community Facilities District Petition for Formation of the District, is Centex Homes, a Nevada General Partnership.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for Tract 2611-1 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 as Annexation No. 05-002 to the Paso Robles Community Facilities District No. 2005-1.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 6th day of September, 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Exhibit "A"

That portion of Lot 42 of the Subdivision of Rancho Santa Ysabel, in the City of Paso Robles, County of San Luis Obispo, State of California, according to map recorded January 25, 1887 in Book A, Page 29 of Maps, described as follows:

Beginning at the Southwest corner of said Lot;
thence North 89° 45' East along the South line of said Lot, 2225.10 feet;
thence North 0° 15' West, 400.00 feet;
thence South 89° 45' West, 2130.91 feet to a point on the Westerly line of said Lot 42;
thence South 13° West, 410.94 feet along said Westerly line to the point of beginning.

EXCEPTING therefrom that portion of said land described as follows:

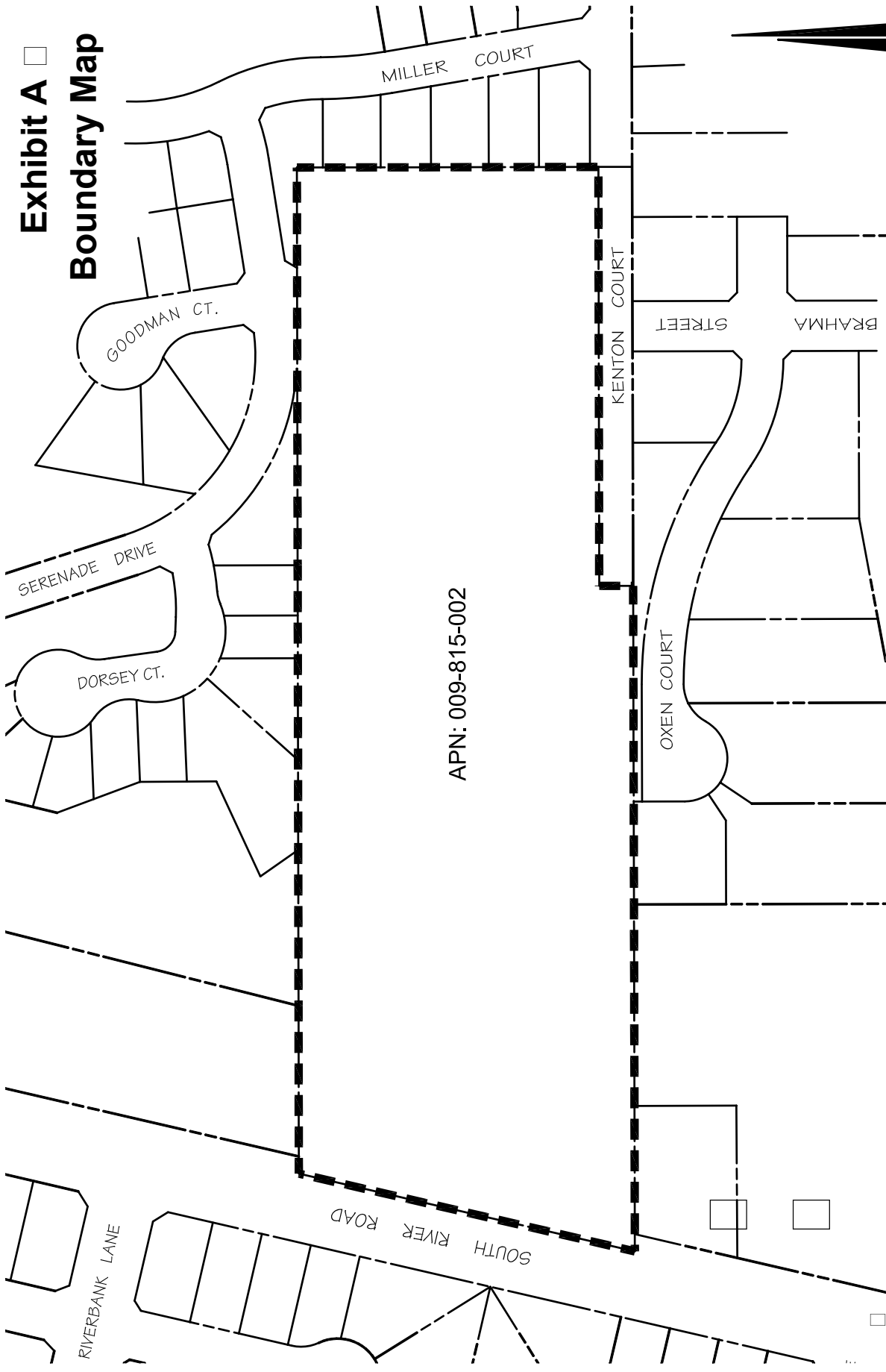
Beginning at the Southwest corner of said Lot;
thence North 89° 45' East along the South line of said Lot, 825.10 feet to the true point of beginning;
thence continuing along said South line, North 89° 45' East, 1400 feet;
thence North 0° 15' West, 400 feet;
thence South 89° 45' West, 900 feet;
thence South 0° 15' East, 360 feet;
thence South 89° 45' West, 500 feet;
thence South 0° 15' East, 40 feet to the true point of beginning.

ALSO EXCEPTING therefrom any portion thereof within Tract 2311 recorded in book 18, Page 83 et seq., of Maps.

Assessor's Parcel No: 009-815-002

Exhibit A

Boundary Map



LEGEND

Proposed Boundaries of City of Paso Robles Community Facilities District 2005-1
 Annexation No. 05-002 San Luis Obispo County, California

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 2611-1, (LOTS 1-39) (CENTEX HOMES)

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 2611-1, and authorize the execution and recordation of the tract map.

SECTION 2. That the City Council of the City of Paso Robles does hereby 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 Brahma Street, Kenton Court, South River Road, Lot A, open space, 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 6th day of September 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

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 TR 2611-1 (CENTEX) AS PART OF SUBAREA 101 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 TR 2611-1 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 TR 2611-1 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 Centex Homes, a Nevada General Partnership.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for TR 2611-1 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 83.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 6th day of September 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT A

IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, BEING A PORTION OF LOT 42 OF THE SUBDIVISION OF THE RANCHO SANTA YSABEL ACCORDING TO THE MAP RECORDED IN BOOK A OF MAPS, AT PAGE 29 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 39 OF TRACT 2611-1 IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED _____, 2005, IN BOOK _____ OF MAPS, AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.