TO: James L. App, City Manager

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

SUBJECT: Approval of Final Map of Tract 2745, (H & D Highlands, LLC) for

Recordation, Execution of Subdivision Improvement Agreement, and

Annexation No. 05-005 to Community Facilities District No. 2005-1

DATE: October 4, 2005

Needs: That the City Council consider taking a series of steps toward recordation of the

Final Tract Map for Tract 2745, a commercial and mixed use subdivision.

1. The applicants H & D Highlands, LLC, have requested that Tract 2745 be authorized by the City for recordation. Tract 2745 is a 7-lot subdivision of a 8.83-acre site located between Oak Hill Road and Niblick Road, east of South River 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. Lots 1, 2 and 4 through 7 are commercially zoned. Lot 3 will be a residential condominium subdivision.
- 3. The applicants have signed the documents needed for annexation of Lot 3 into the Community Facilities District (CFD).

Analysis and

Facts:

Conclusion:

Tract 2745 was originally approved by the Planning Commission on June 28, 2005. Annexation of Lot 3 in to the City's Community Facilities District 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. 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-xxx authorizing the recordation of Tract 2745, a 7-lot subdivision located between Niblick and Oak Hill Roads, east of South River Road, and authorizing the Mayor to execute the Subdivision Improvement Agreement for Tract 2745 guaranteeing the construction of the subdivision improvements, with an established deadline of October 4, 2006, to complete these improvements, and
 - **(2)** Adopt Resolution No. 05-xx annexing Lot 3 of Tract 2745 into Community Facilities District No. 2005-1, and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien
- **b.** Amend, modify or reject the above option.

Attachments: (3)

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

OWNER'S STATEMENT

WE. THE UNDERSIONED, HEREBY STATE THAT WE ARE ALL THE OWNERS OF (AND ALL RECORD INTERPOLAL PARTIES ANNO ANY PECOND THE INTERPOLATION TO THE REAL, PROPERTY INCLUED WITHIN THE SUBDIVISION AND PROJECT SHOWN ON THIS MAP, AND THAT EACH OF US DOES HEREBY CONSENT TO THE FILING AND/OR RECORDATION OF THIS MAP.

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- BY: H & D HIGHLANDS, LLC, A DELAWARE LIMITED LIABILITY COMPANY
- HALFERTY & DEBEIKES REUNION, LLC, A DELAWARE LIMITED LIABILITY COMPANY, MANAGER .:
- COMPANY DEVELOPMENT COMPANY, LLC, A DELAWARE LIMITED LIABILITY HALFERTY I MEMBER В.:

JAMES L. HALFERTY, MEMBER

A CALIFORNIA LIMITED PARTNERSHIP DEBEIKES CALIFORNIA LIMITED PARTNERSHIP, LP, MEMBER ₽.

PRESIDENT JR., RICHARD A. DEBEIKES, 9.

RICHARD 23, 1987. RICHARD J. WOODLAND, TRUSTEE OF TRUST "A", FORWED UNDER THE WOODLAND & PATRICIA D. WOODLAND TRUST AGREEMENT DATED MAY Ή.

RICHARD J. WOODLAND, TRUSTEE ₽.

ACKNOWLEDGMENT

S.S. STATE OF CALIFORNIA COUNTY OF

ON TOTARY PUBLIC FOR THE STATE OF CALLORINA, PERSONALLY APPEARED JAMES L. HATERYT PERSONALLY KNOWN TO ME (OR PROVED) TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WHAIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT ME EXCULTED THE SAME IN HIS SUB-MINIOR OF THE INSTRUMENT AND CACANOMLEDGED TO ME THAT ME EXCULTED THE SAME IN HIS SIGNATURE ON THE INSTRUMENT THE PERSON ACTED, EXECUTED THE

NAME PRINTED Ċ. NOTARY SIGNATURE COUNTY OF

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NOTARY COMMISSION NUMBER JOB NUMBER: 04-103 NORTH COAST ENGINEERING INC. copyright © 2005 ■

ACKNOWLEDGMENT

S.S. STATE OF CALIFORNIA SOUNTY OF SAN LUIS OBISPO ON A NOTARY PUBLIC FOR THE STATE OF CHICKNIA, PERSONALLY APPEARED RICHARD J. AN NOTARY PUBLIC FOR THE STATE OF CHICKNIA, PERSONALLY RNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SASTISFACTIORY ENDINCE) TO BE THE PERSON WHOSE IN MELS BUSISEMED TO THE MITHIN INSTRUMENT AND ACKNOWING DOED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND HAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACIED, EXECUTED THE

NOTARY EXPIRES NAME PRINTED Ç, COUNTY OF SAN LUIS OBISPO, NOTARY SIGNATURE

NOTARY COMMISSION NUMBER

TRUSTEE'S STATEMENT

FIDELITY NATIONAL TITLE COMPANY, TRUSTEE UNDER A DEED OF TRUST RECORDED AUGUST 19, 2005 AS INSTRUMENT NO. 2005-069376 OF OFFICIAL RECORDS.

J.L. PRINTED NAME Β. .: Ä

ACKNOWLEDGMENT

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NOTARY EXPIRES NAME PRINTED Ą. NOTARY SIGNATURE COUNTY OF

NOTARY COMMISSION NUMBER

CITY CLERK'S STATEMENT

I, DENNIS FANSLER, CITY CLERK OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, HEREBY STATE THAT THE CITY COUNCL OF SOLD CITY DOIN THE DAY ON THE LAND ACCEPTED ON BEHALF OF THE POBLOL HE 20 BING PATH EASTBANT TO THE TERMS OF OFFIER OF POBLOLATION BY THE PARTIES HAWNO A RECORD THE INTEREST IN SAND LAND. I ALSO DO HEREBY STATE THAT THE CITY COUNCL DIO ROBER THE CANDONNENT OF THAT PORTION OF THE 15' BIRKE PART EASTBANT AND THAT PORTION OF THE 15' BIRKE PART EASTBANT OF THE 20' POBLOS THAT PORTION OF THE 15' BIRKE PART EASTBANT OF THE 20' POBLOS THE COUNTY CLERK—RECORDED JUNE 7, 1999, IN BOOK 53 OF PARCEL, MAPS AT PAGE 14 MAP PR SOLON TO LEKK—RECORDED STATE OF SAN LUIS OBISPO COUNTY AND THE SAME IS WITH THE FILMING OF THIS WARP.

2005 Р DAY ₽E MITNESS MY HAND AND SEAL

DENNIS FANSLER, CITY CLERK

ENGINEER'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMACE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL, CRONIANCE AT THE REQUIRES IN MAY OF 2005. I HERBEY SPECIAL BY A THIS FIRM MAY DESTAINTIALLY OFFORMS IN THE CHAT THIS FINAL MAP SUBSTAINTIALLY OFFORMS TO THE COMPINIONALLY APPROVED FIRM MAP SUBSTAINTIAL THE MONUMENTS SHOWN HEREON ARE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN SUCH POSITIONS MITHIN OFFER SUFFICIENT TO BE RETAKED.

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

DATE

CHOINE - MAIS SATE OF CALIFORNIA Exp. 3/31/07 29743

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITED TRACT 2745.

HAT THE SUBDIVISION AS SHOWN HEREBOX IS SUBSTANDALLY THE SAME AS IT THE THE SUBSTANDIALLY THE SAME AS IT THEREOF AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP AND OF ALREATIONS OF CALLIFORNIA AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME STATE OF CALLIFORNIA AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE STATE SAME SALISHED THAT THIS WAP IS TECHNICALLY CORRECT.

JOHN R. FALKENSTIEN CITY ENGINEER CITY OF PASO ROBLES R.C.E. C33760 (EXP. 6/30/06)

DATE:

PLANNING COMMISSION STATEMENT

SATISFIED THAT DE ROBLES FOR I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM MAP CONCEMISM WITH THE ACTION TAKEN BY THE CITY OF EL PASO TMACT 2745 ON JUNE 28, 2005.

풀

DATE ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

EASEMENTS UNPLOTTABLE

PARKING AND UTILITY LINE EGRESS, THE NON-EXCLUSIVE EASEMENTS FOR INGRESS, PURPOSES UNDER THE FOLLOWING DOCUMENTS: 1999-042421, 1999-070285 AND 1999-047783

RECORDER'S STATEMENT

REQUEST OF STEVEN J. SYLVESTER. _M., IN BOOK 2005, AT_ AT THE ٩ ا DAY MAPS AT PAGES DOCUMENT NO. FILED THIS ij 占

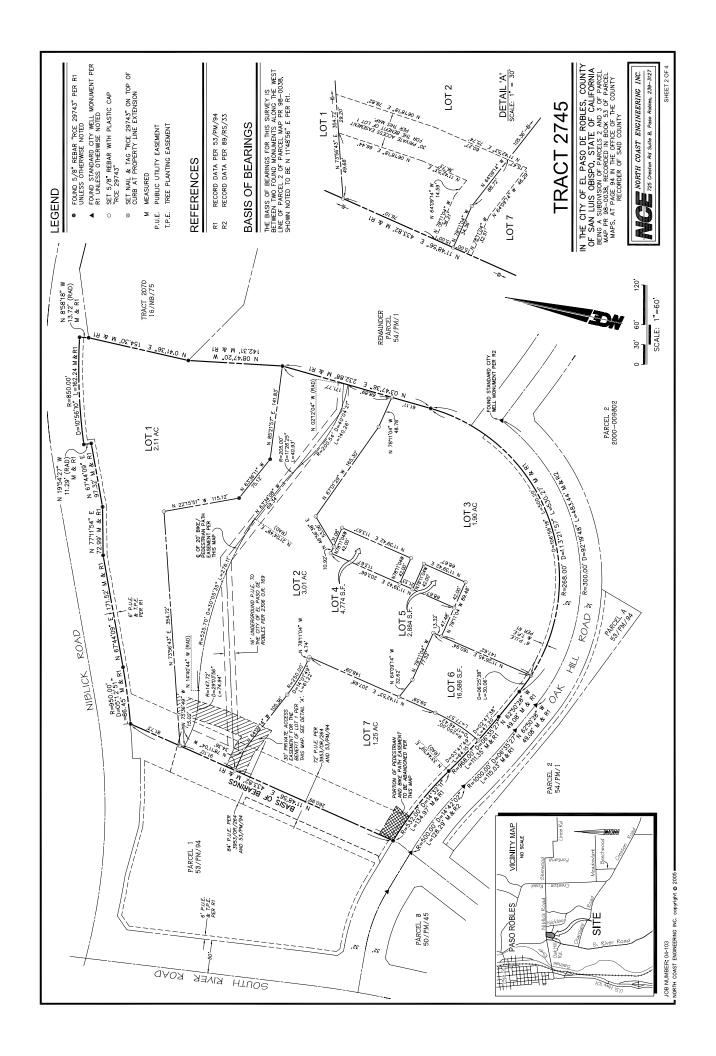
JULIE L. RODEWALD
COUNTY RECORDER

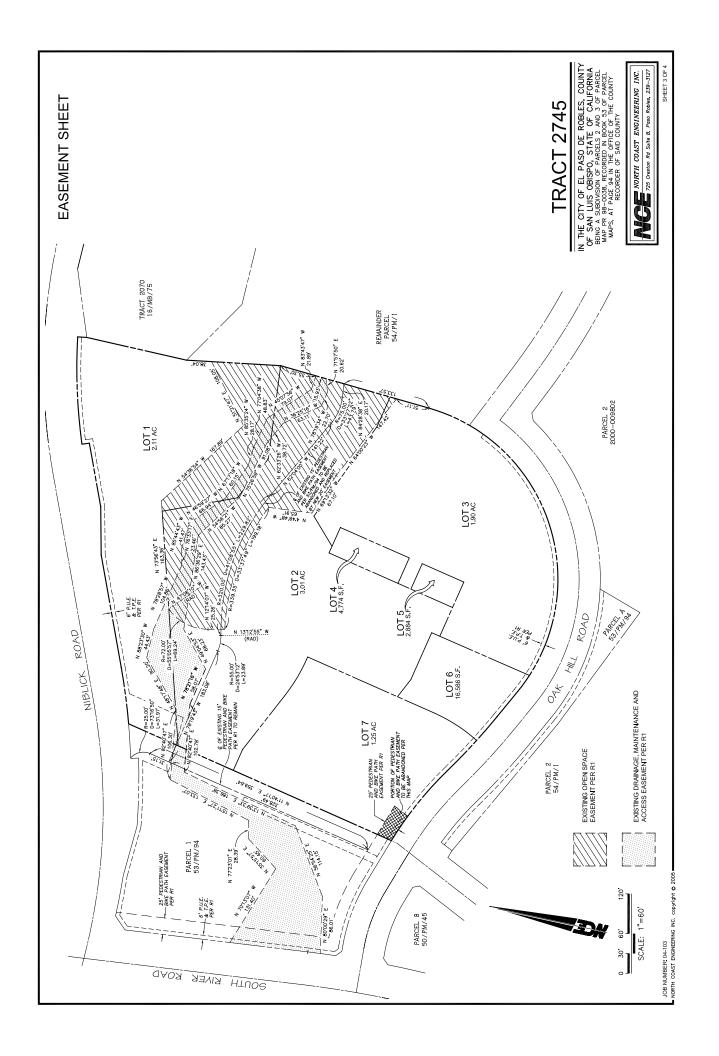
DEPUTY RECORDER

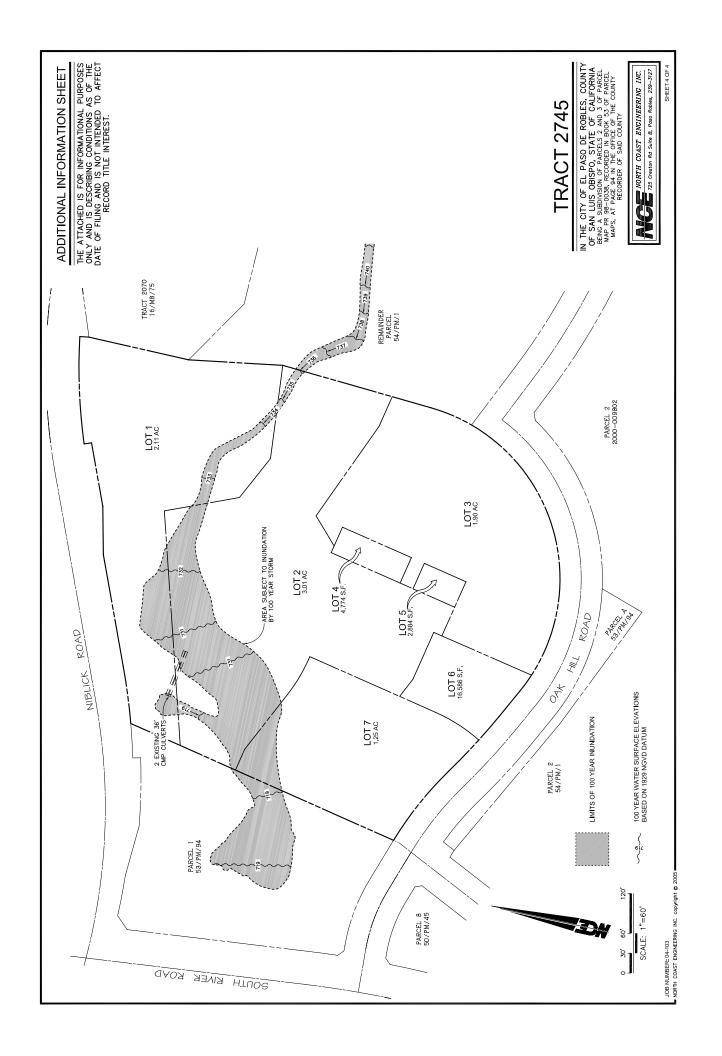
2745 TRACT N THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBSPO, STATE OF CALIFORNA BEING A SUBDIVISION OF PARCELS 2 AND 3 OF PARCEL MAP 89-0038, RECORDED IN BOOK 83 OF PARCEL MAPS, AT PARCE 94 IN IT PE OFFICE OF THE COUNTY RECORDER OF SAND COUNTY

NORTH COAST ENCINEERING INC.

Total Creaton Rd Suite B, Page Robles, 239–3127







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 2745, (H & D HIGHLANDS, LLC)

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:

<u>SECTION 1.</u> That the City Council of the City of Paso Robles does hereby approve the final map for Tract 2745, and authorize the execution and recordation of the tract map.

<u>SECTION 2.</u> 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.

<u>SECTION 3.</u> That the City Council of the City of Paso Robles accept the offers of dedication for a bike and pedestrian path easement, tree planting easements, and public utility easements as shown on the final map.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4th day of October 2005 by the following vote:

AYES: NOES: ABSTAIN: ABSENT:	
ATTEST:	Frank R. Mecham, Mayor
Sharilyn M. Ryan, Deputy City Clerk	-

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES ANNEXING LOT 3 OF TRACT 2745 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 Lot 3 of Tract 2745 into the Paso Robles Community Facilities District No. 2005-1 (Public Services).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

<u>SECTION 1</u>. 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.

<u>SECTION 2</u>. 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 H & D Highlands, LLC.

<u>SECTION 3.</u> That the City Council for the City of Paso Robles does hereby declare that the assessment for Lot 3 of Tract 2745 shall begin with Fiscal Year 2006-2007.

<u>SECTION 4.</u> That the City Council for the City of Paso Robles does hereby declare that the area annexed shall be designated as Annexation No. 05-005 to the Paso Robles Community Facilities District No. 2005-1.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4^{th} day of October, 2005 by the following vote:

AYES: NOES: ABSTAIN: ABSENT:	
ATTEST:	Frank R. Mecham, Mayor
Sharilyn M. Ryan, Deputy City Clerk	