

TO: James L. App, City Manager

FROM: Robert A. Lata, Community Development Director

SUBJECT: Acceptance of Tract 2369-4, Lots 169-250 (Fallingstar Homes, Inc) for Recordation, Execution of Subdivision Improvement Agreement, and Annexation into the Landscape and Lighting Maintenance District

DATE: November 1, 2005

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 2369-4 be accepted by the City for recordation. Tract 2369-4 is an 82-lot subdivision of a 41.32-acre site, located along the westerly extensions of Montebello Oaks Drive and 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 in Tract 2369-4, 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 2369-4, an 82-lot subdivision located along the westerly extensions of Montebello Oaks Drive and Kleck Road; and authorizing the Mayor to execute the Subdivision Improvement Agreement for Tract 2369-4, guaranteeing the construction of the subdivision improvements, with an established deadline of November 1, 2006, to complete these improvements, and
- (2)** Adopt Resolution No. 05-xxx annexing Tract 2369-4 into the Landscape and Lighting District.
- b.** Amend, modify or reject the above options.

Attachments: (3)

- 1) Vicinity Map
- 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 RECORD HOLDERS OF SECURITY INTEREST IN, AND ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN, THE REAL PROPERTY INCLUDED 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.

WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE ALL STREETS AND THE EASEMENTS FOR TREE PURPOSES SHOWN ON THIS MAP.

WE ALSO HEREBY DEDICATE TO THE CITY OF EL PASO DE ROBLES IN FEE AS OPEN SPACE AS SHOWN ON THIS MAP.

WE ALSO HEREBY DEDICATE LOT B IN FEE SIMPLE TO THE PUBLIC FOR DETENTION BASIN PURPOSES.

WE ALSO HEREBY DEDICATE THE 36'X30' TEMPORARY EMERGENCY ACCESS EASEMENT AS SHOWN ON LOT 218 OF THIS MAP. SAID EASEMENT WILL EXPIRE UPON THE COMPLETION AND ACCEPTANCE OF THE EXTENSION OF KLECK ROAD TO THE WEST.

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."

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

FALLINGSTAR HOMES, INC., A CALIFORNIA CORPORATION

FRANK ARCIERO, PRESIDENT

ACKNOWLEDGMENT

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

ON _____, 2005, BEFORE ME _____, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED FRANK ARCIERO, PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

NOTARY SIGNATURE _____ NAME PRINTED _____
COUNTY OF SAN LUIS OBISPO, CA. NOTARY EXPIRES _____
NOTARY COMMISSION NUMBER _____

SIGNATURE OMISSIONS

PURSUANT TO SECTION 66436, SUBSECTION (G-3-A-1) OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING EASEMENT HOLDERS HAVE BEEN OMITTED, AS THEIR INTEREST CANNOT RISE IN A FEE TITLE & SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY:

PACIFIC BELL PG&E, SOUTHERN CALIFORNIA GAS COMPANY, CHARTER COMMUNICATIONS AND ANY OTHER PUBLIC UTILITY COMPANIES WHICH ARE AUTHORIZED TO SERVE IN THE COUNTY OF SAN LUIS OBISPO AS EASEMENT HOLDERS PER THE DOCUMENT RECORDED MAY 15, 2002, AS INSTRUMENT NO. 2001-040299 OF OFFICIAL RECORDS.

BENEFICIARY'S STATEMENT

MID-STATE BANK AND TRUST, BENEFICIARY UNDER A DEED OF TRUST RECORDED JANUARY 23, 2004, AS INSTRUMENT NO. 2004-065210 OF OFFICIAL RECORDS.

BY: _____

BY: _____

ACKNOWLEDGMENT

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

ON _____, 2005, BEFORE ME _____, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED _____ PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

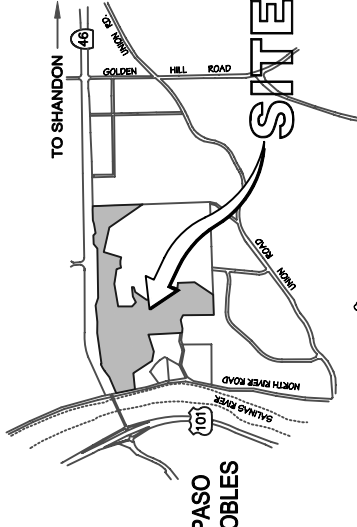
NOTARY SIGNATURE _____ NAME PRINTED _____
COUNTY OF SAN LUIS OBISPO, CA. NOTARY EXPIRES _____
NOTARY COMMISSION NUMBER _____

CITY CLERK'S STATEMENT

I, DENNIS FANSLER, CITY CLERK OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, HEREBY STATE THAT THE CITY COUNCIL OF SAID CITY DID ON _____, 2005, APPROVE THE MAP OF TRACT 2369-4 SHOWN HEREON AND ACCEPTED ON BEHALF OF THE PUBLIC ALL THE STREETS, THE EASEMENTS FOR TREE PURPOSES, THE 36'X30' TEMPORARY EMERGENCY ACCESS EASEMENT, THE OPEN SPACE AND LOT B SHOWN ON THIS MAP TO THE TERMS OF OFFER OF DEDICATION BY THE PARTIES HAVING A RECORD TITLE INTEREST IN SAID LAND.

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

DENNIS FANSLER, CITY CLERK



VICINITY MAP
NO SCALE

ENGINEER'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF FRANK ARCIERO IN JANUARY, 2001. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP 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.

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



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED TRACT 2369-4, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE TENTATIVE MAP 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.

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

PLANNING COMMISSION STATEMENT

I 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 TRACT 2369-4 ON AUGUST 8, 2000.

ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

RECORDER'S STATEMENT

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

JULIE L. RODEWALD DEPUTY RECORDER
COUNTY RECORDER _____

TRACT 2369-4

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 B OF MAPS AT PAGE 100, RECORDS OF SAID COUNTY



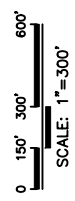
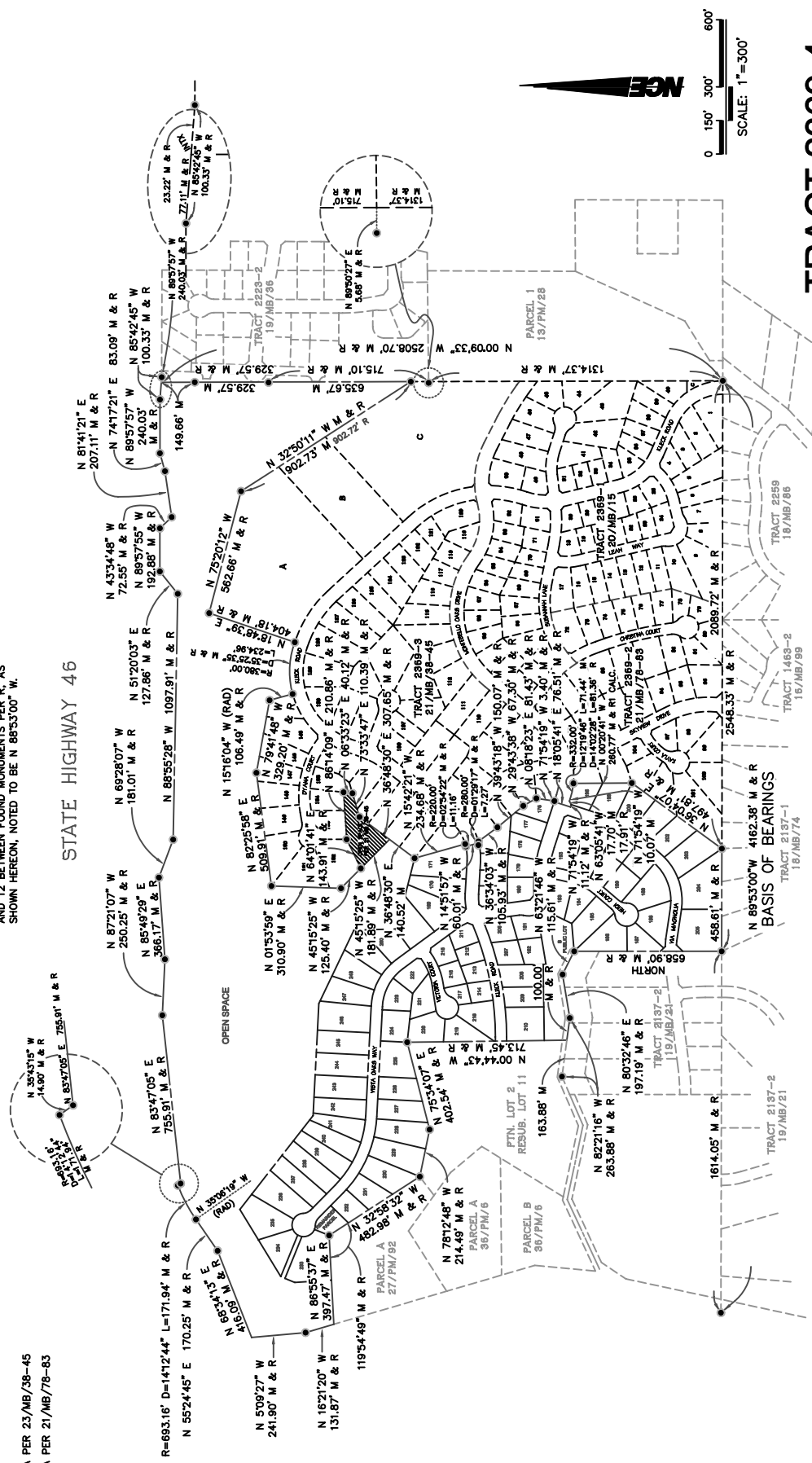
LEGEND

- FOUND MONUMENTS PER R UNLESS OTHERWISE NOTED
- M MEASURED
- R RECORD DATA PER 23/MB/28-45
- R1 RECORD DATA PER 21/MB/78-83

BASIS OF BEARINGS

BEARINGS HEREON ARE BASED ON FOUND MONUMENTS ALONG THE SOUTHERLY PROPERTY LINE OF LOTS 1, 11 AND 12 BETWEEN FOUND MONUMENTS PER R, AS SHOWN HEREON, NOTED TO BE N 88°53'00" W.

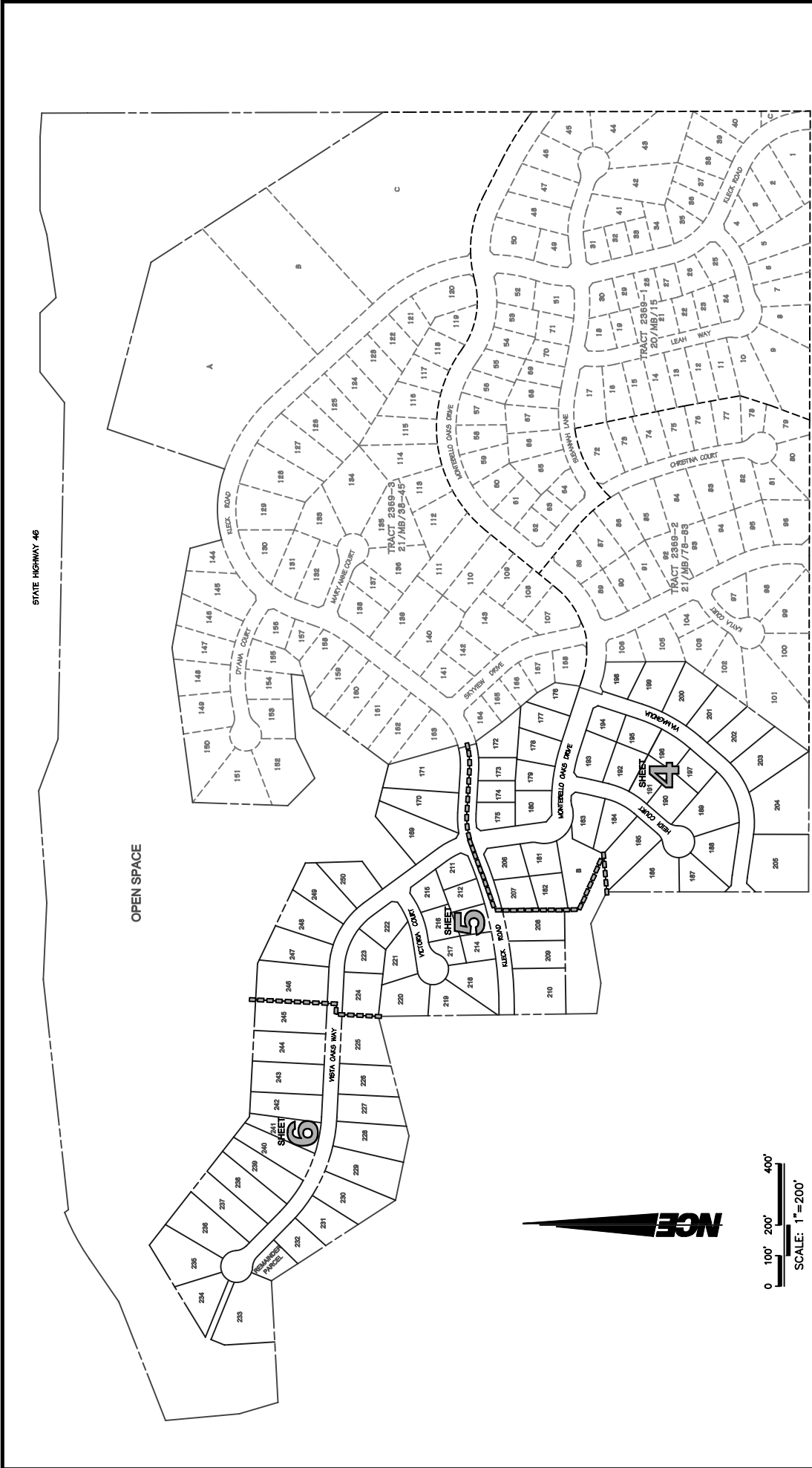
STATE HIGHWAY 46



TRACT 2369-4

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF A PORTION OF LOTS 2 THRU 13 PER THE MAP RECORDED IN BOOK B OF MAPS AT PAGE 100, RECORDS OF SAID COUNTY

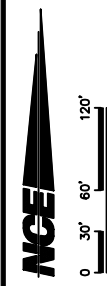




INDEX SHEET TRACT 2369-4

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF A PORTION OF LOTS 2 THRU 13 PER THE MAP RECORDED IN BOOK B OF MAPS AT PAGE 100, RECORDS OF SAID COUNTY

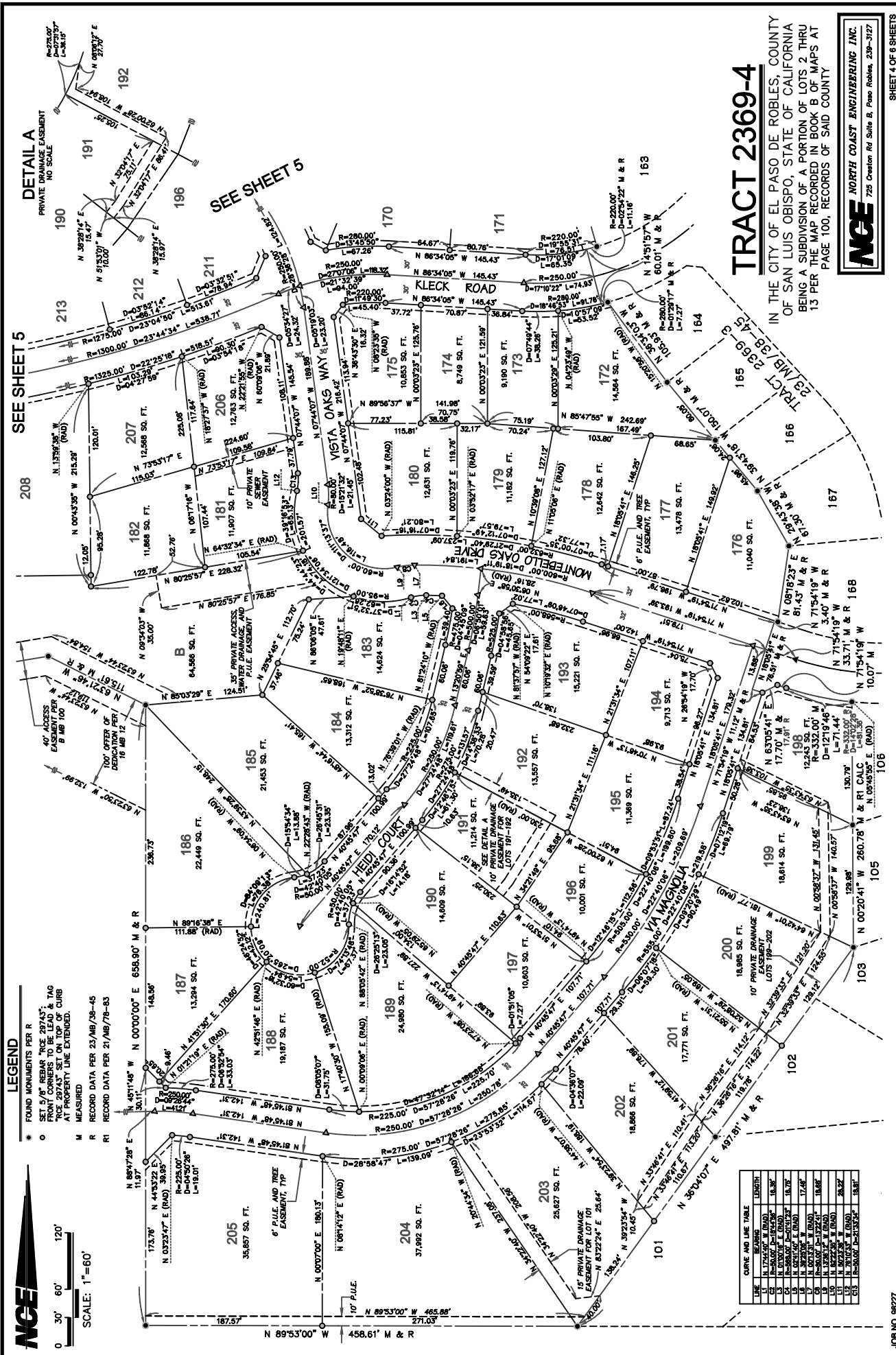




SCALE: 1" = 60'

LEGEND

- FOUND MONUMENTS PER R
- SET 5/8" IRON PIN TO 60" ±
- PRIVACY CORNERS TO BE LEAD & TAG
- TRICE 3/8" SET ON TOP OF CURB
- AT PROPERTY LINE EXTENDED.
- M MEASURED
- R RECORD DATA PER 23/MB/78-45
- R1 RECORD DATA PER 21/MB/78-83



DETAIL A
PRIVATE ALIEN EASEMENT
NO SCALE

SEE SHEET 5

SEE SHEET 5

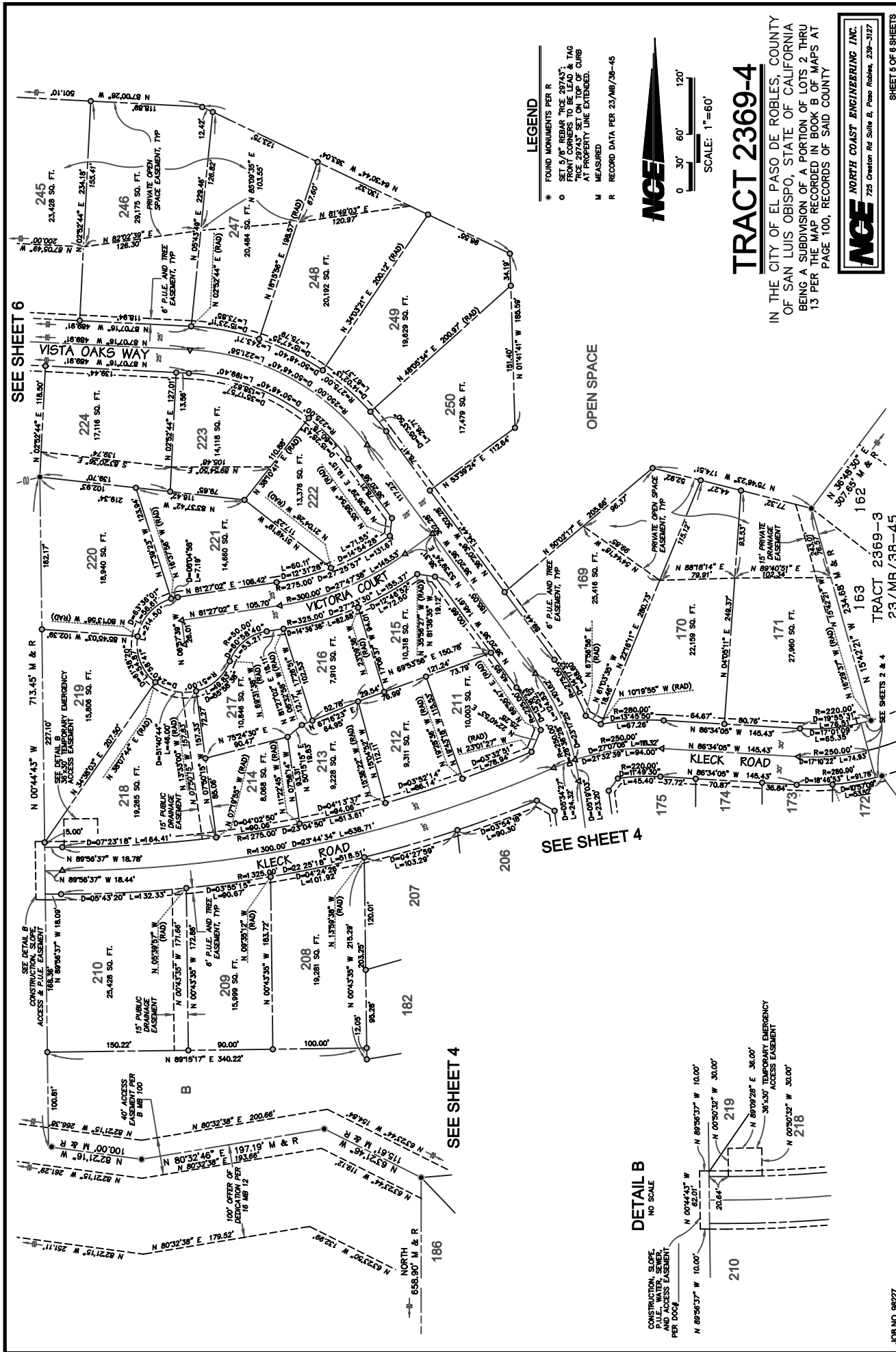
NO.	BEARING	LENGTH
1	N 173.76° E	18.36
2	N 032.57° E (RAD)	34.85
3	N 12.08° E	18.72
4	N 000.00° E	18.72
5	N 32.24° E (RAD)	17.68
6	N 000.00° E	18.72
7	N 000.00° E	18.72
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TRACT 2369-4

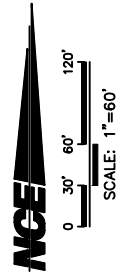
IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF A PORTION OF LOTS 2 THRU 13 PER THE MAP RECORDED IN BOOK B OF MAPS AT PAGE 100, RECORDS OF SAID COUNTY



SHEET 4 OF 6 SHEETS



- LEGEND**
- FOUND MONUMENTS PER R
 - SET 5/8" REBAR "ACE 20743", TAG "ACE 20743" SET ON TOP OF CURB AT PROPERTY LINE EXTENDED.
 - M MEASURED
 - R RECORD DATA PER 23/MB/38-45



TRACT 2369-4

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF A PORTION OF LOTS 2 THRU 13 PER THE MAP RECORDED IN BOOK B OF MAPS AT PAGE 100, RECORDS OF SAID COUNTY

NCE
 NORTH COAST ENGINEERING INC.
 725 Oreston Rd Suite B, Paso Robles, 239-3127

SEE SHEET 6

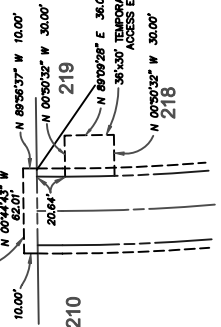
OPEN SPACE

SEE SHEET 4

SEE SHEET 4

DETAIL B
 NO SCALE

CONSTRUCTION, SLOPE, AND EASEMENT PER DDC

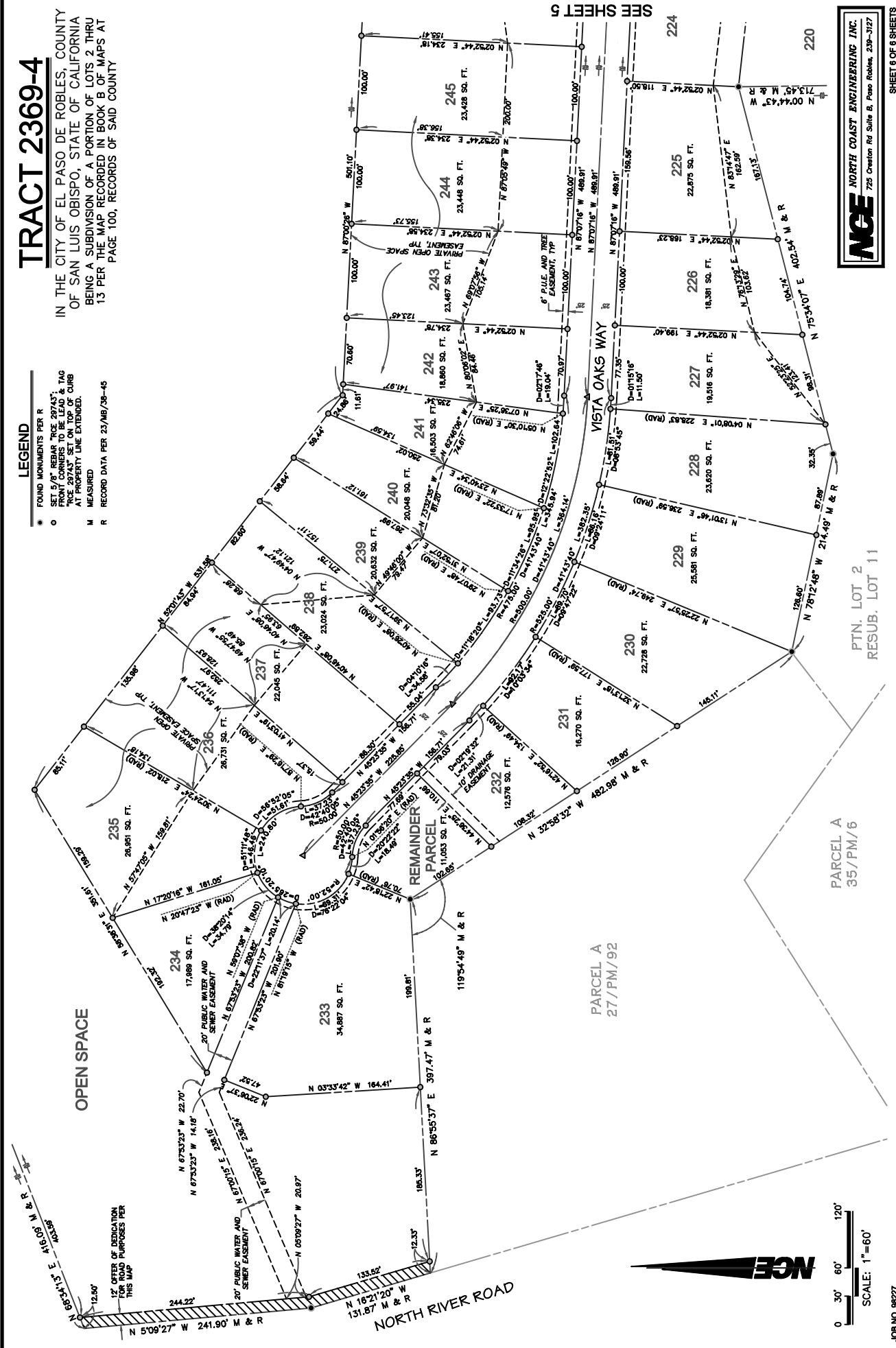


TRACT 2369-4

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF A PORTION OF LOTS 2 THRU 13 PER THE MAP RECORDED IN BOOK B OF MAPS AT PAGE 100, RECORDS OF SAID COUNTY

LEGEND

- * FOUND MONUMENTS PER R
- SET BY C. BERRY, "ACE 1974", FROM CORNERS TO BE LAD & TAG "ACE 20743" SET ON TOP OF CURB AT PROPERTY LINE EXTENDED.
- M MEASURED
- R RECORD DATA PER 23/MB/58-45



SEE SHEET 5

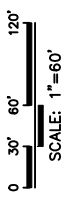


SHEET 6 OF 6 SHEETS

PTN. LOT 2
RESUB. LOT 11

PARCEL A
35/PM/6

PARCEL A
27/PM/92



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 2369-4, LOTS 169-250 (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 2369-4, 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 Montebello Oaks Drive, Kleck Road, Via Magnolia, Heidi Court, Victoria Court, Vista Oaks Way, open space, Lot B, sewer and water main easement, 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 1st day of November 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 TRACT 2369-4 (FALLINGSTAR HOMES) AS PART OF SUBAREA 69D
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 2369-4 (Fallingstar Homes) 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 2369-4 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 Frank Arciero.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for Tract 2369-4 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 69D.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of November 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 PARCEL B ACCORDING TO THE MAP RECORDED IN BOOK 59 OF RECORD OF SURVEYS, AT PAGE 47, AND A PORTION OF THE REMAINDER OF TRACT 2369-3 ACCORDING TO THE MAP RECORDED IN BOOK 23 OF MAPS, AT PAGE 38-45 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 169 THROUGH 250 OF TRACT 2369-4 IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED _____, 200__, IN BOOK _____ OF MAPS, AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.