

TO: James L. App, City Manger
FROM: Robert A. Lata, Community Development Director
SUBJECT: Acceptance of Public Improvements – Tract 2571 (Doya Partners, LLC)
DATE: November 15, 2005

Needs: That the City Council authorize the acceptance of public improvements resulting from the development of Tract 2571 into the City's maintenance system.

- Facts:**
1. On November 16, 2004, the City Council approved Tract 2571 for recordation and executed a Subdivision Improvement Agreement with the Developer of this subdivision.
 2. This subdivision is located along Montebello Oaks Drive west and north of Union Road (see attached Vicinity Map).
 3. The public improvements in Tract 2571 have been constructed to the satisfaction of City staff.
 4. The Subdivider has constructed the following streets in Tract 2571 in accordance with the Subdivision Improvement Agreement and in compliance with the improvement plans and all applicable City standards:

<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>MILES</u>
Montebello Oaks Drive	500 feet e/o Kleck Rd	Arciero Way	0.33
Gina Court	Montebello Oaks Dr.	140 feet s/o Montebello Oaks Dr.	0.03
Arciero Way	130 feet s/o Terrabella Court	Montebello Oaks Dr.	0.14

5. The Subdivider, Doya Partners, LLC, has posted bonds that guarantee completion of improvements in Tract 2571.

**Analysis
and**

Conclusion: The public improvements, which the developer was required to install for this subdivision, have been completed. Further, the City will, at a minimum, retain a Maintenance Bond for a period of one year as warranty for the improvements installed.

Policy

Reference: Paso Robles Municipal Code, Section 22, Subdivision Map Act

**Fiscal
Impact:**

The Contractor is obligated to maintain all public improvements for a one-year period following acceptance by the City Council. Once the one-year period has been completed, and the Contractor has completed all correction items, the City will assume additional street, sewer and drainage maintenance costs.

Parkway landscaping and street lighting costs will be financed by the benefiting property owners through the Landscape and Lighting District.

Options:

Based upon completion of construction of all required public improvements to the satisfaction of the City:

- a.** Adopt Resolution No. 05-xxx accepting the public improvements of Tract 2571 into the City's maintenance system.
- b.** Amend, modify, or reject the above option.

Attachments: (2)

1. Vicinity Map
2. Resolution

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE OWNERS OF AND ALL RECORD HOLDERS OF SECURITY INTEREST IN, AND ALL PARTIES INTERESTED IN, THE REAL PROPERTY DESCRIBED HEREIN WITHIN THIS SUBDIVISION AND PROJECT, AND THAT WE HEREBY CONSENT TO THE FILING AND/OR RECORDATION OF THIS MAP.

WE HEREBY DELEGATE TO THE PUBLIC FOR PUBLIC USE MONTERELO OAKS DRIVE, OAK CANYON AND ANDRINO WAY, AND THE EASEMENTS FOR SLOPE AND STREET TREE PURPOSES AS SHOWN ON THIS MAP.

WE ALSO HEREBY DELEGATE TO THE CITY OF EL PASO DE ROBLES IN FEE OPEN SPACE (LOT 35) AS SHOWN ON THIS MAP.

WE HEREBY RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS FOR THE USE AND BENEFIT OF OURSELVES, OUR HEIRS, AND ASSIGNS CERTAIN PRIVATE DRAINAGE SUBDIVISION EASEMENTS FOR PUBLIC UTILITY PURPOSES DELINEATED ON SAID MAP AS "PUE" OR PUBLIC UTILITY EASEMENT.

WE ALSO RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS CERTAIN PRIVATE DRAINAGE ATTRIBUTED BY SUCH EASEMENTS AS DELINEATED ON SAID MAP.

DOYA PARTNERS, LLC
 ANDY FETTER, CO-MANAGER
 KAREN OUIR, CO-MANAGER

NOTARIAL
 STATE OF CALIFORNIA } S.S.
 COUNTY OF SAN LUIS OBISPO }
 ON _____, 2004 BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED ANDY FETTER, KAREN OUIR, AND KAREN OUIR, ALL OF WHOM I KNOW TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY AND THAT BY HIS/SHE SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

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

NOTARIAL
 STATE OF CALIFORNIA } S.S.
 COUNTY OF SAN LUIS OBISPO }
 ON _____, 2004 BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED KAREN OUIR, PERSONALLY KNOWN TO ME (OR PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) AND KAREN OUIR, ALL OF WHOM I KNOW TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY AND THAT BY HER SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

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

SIGNATURE OMISSIONS
 THE FOLLOWING SIGNATURES HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 6641.6 (C)(5)(A)(I) OF THE SUBDIVISION MAP ACT AS THEIR INTEREST IS SUCH THAT IT CANNOT BE BROUGHT INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY:
 JAMES LA MOYNE SHINN, ET AL HOLDER OF AN EASEMENT FOR UNDISCLOSED PURPOSES AS DISCLOSED IN DOCUMENT RECORDED MARCH 28, 1979, IN BOOK 2142, PAGE 118 OF OFFICIAL RECORDS.
 CITY OF EL PASO DE ROBLES, HOLDER OF AN EASEMENT FOR WATER MAIN AND INCIDENTAL PURPOSES AS DISCLOSED IN DOCUMENT RECORDED SEPTEMBER 28, 1979, IN BOOK 2189, PAGE 853 OF OFFICIAL RECORDS.

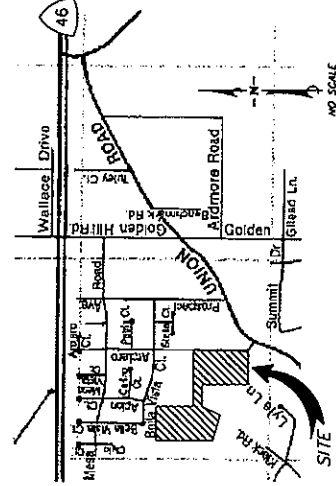
TRACT 2571

Being a subdivision of Parcels A and B of Parcel Map 077-129 and of the Remainder Parcel of Parcel Map PR 01-355, together being a portion of Lot 12 of the subdivision of the Rancho Santa Ysabel as recorded in Book A, Page 29 of Maps, in the office of the County Recorder, City of Paso Robles, County of San Luis Obispo, State of California.



POST OFFICE BOX 299
 SAN LUIS OBISPO, CA 93406
 (805) 781-9286

JOB NO. 673-06 SHEET 1 OF 5
 JUNE, 2004

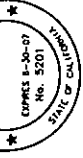


VICINITY MAP

SURVEYOR'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 STATE THAT THE TOPOGRAPHY OF THE CHAD C. WITTSCHORN JR. TRACT, 2004, HEREBY STATE THAT THE TOPOGRAPHY OF THE CHAD C. WITTSCHORN JR. TRACT, 2004, IS CORRECT 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.

DATED: _____
 ALAN L. VOLBRECHT L.S. 5201 EXP. 6-30-07



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE AMENDED MAP ENTITLED TRACT 2571, THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT OF CALIFORNIA AND 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.

DATED: _____
 JOHN R. FALKENSTEIN
 CITY ENGINEER
 CITY OF EL PASO DE ROBLES
 R.C.E. C13760 (exp. 6-30-06)

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 THE SAID CITY DID ON _____, 2004, PUBLIC MONTERELO OAKS DRIVE, OAK CANYON AND ANDRINO WAY AND THE EASEMENTS FOR SLOPE AND STREET TREE PURPOSES 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 _____, 2004.
 DENNIS FANSLER, CITY CLERK

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 2571 ON _____.

DATED: _____
 ROBERTA LAMA
 PLANNING DIRECTOR
 CITY OF EL PASO DE ROBLES

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2004.
 AT _____ M. IN BOOK _____ OF PARCEL MAPS, AT PAGE _____
 AT THE REQUEST OF ALAN L. VOLBRECHT.

SEE _____
 COUNTY RECORDER
 DEPUTY
 DOCUMENT NUMBER _____

RECORDER'S DISCLAIMER:
 THE TABULAR LISTING AND NUMBERING OF ANY SEPARATE DOCUMENTS AUTHORIZED TO BE RECORDED CONCURRENTLY WITH THIS MAP HAVE BEEN PROVIDED BY THE SUBMITTER OR LOCAL AGENCY APPROVING THE MAP. THE COUNTY RECORDER MAKES NO REPRESENTATIONS REGARDING THE ACCURACY OF THE TABULAR LISTING, AND NUMBERING OF ANY SEPARATE DOCUMENTS REFERRED TO ON THIS MAP.

TRUSTEE

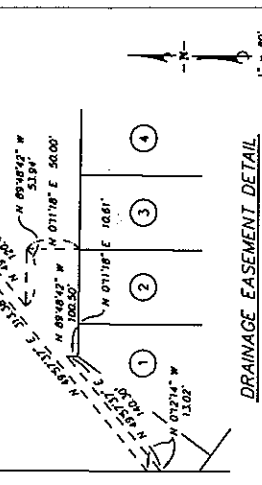
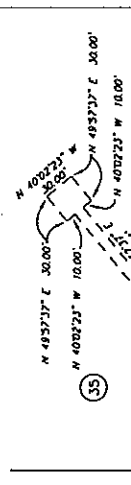
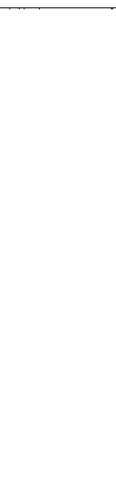
FIRST AMERICAN TITLE COMPANY TRUSTEE UNDER DEED OF TRUST RECORDED RECORDED JULY 23, 2004 AS INSTRUMENT NO. 2004-085337 OF OFFICIAL RECORDS.

NOTARIAL

STATE OF CALIFORNIA } S.S.
 COUNTY OF SAN LUIS OBISPO }
 ON _____, 2004 BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED _____ TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

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 NAME PRINTED _____
 COMMISSION EXPIRES _____
 NOTARY COMMISSION NUMBER _____

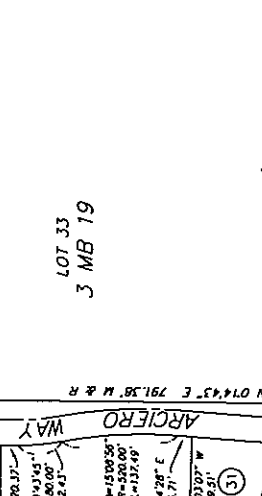
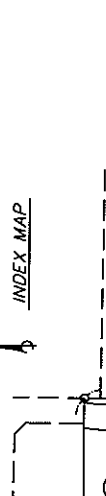
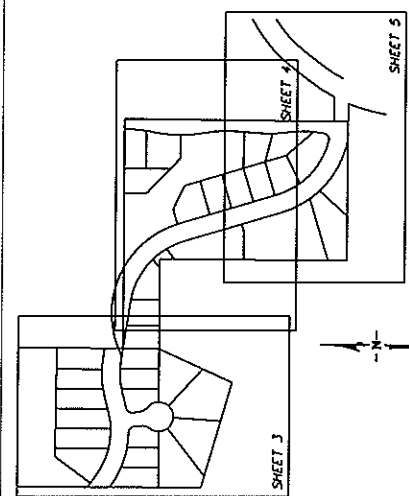
CURVE	DELTA	RADIUS	LENGTH
C1	011715° E	31.50	117.59' (ARC)
C2	011715° E	31.50	117.59' (ARC)
C3	011715° E	31.50	117.59' (ARC)
C4	011715° E	31.50	117.59' (ARC)
C5	011715° E	31.50	117.59' (ARC)
C6	011715° E	31.50	117.59' (ARC)



TRACT 2571
 Being a subdivision of Parcels A and B of Parcel Map CO 77-129 and of the Remainder Parcel of Parcel Map PR 01-355, together being a portion of Lot 12 of the subdivision of the Rancho Santa Ysabel as recorded in Book A, Page 29 of Maps in the office of the County Recorder, City of Poso Robles, County of San Luis Obispo, State of California.



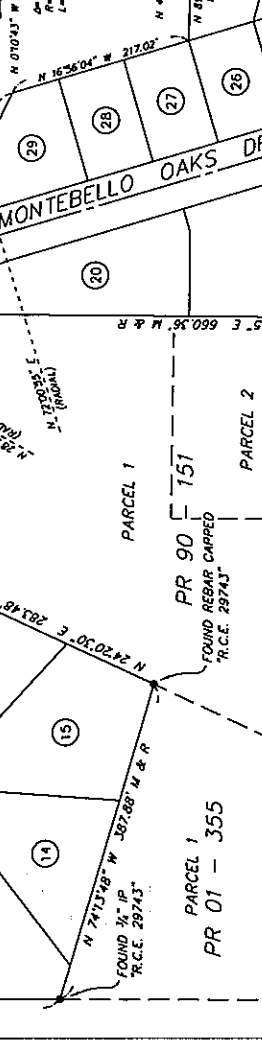
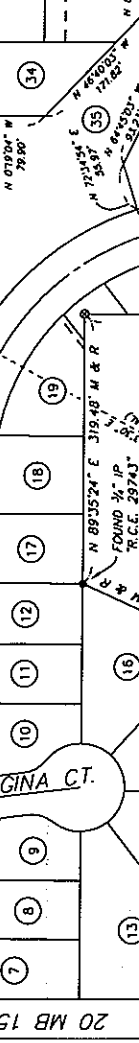
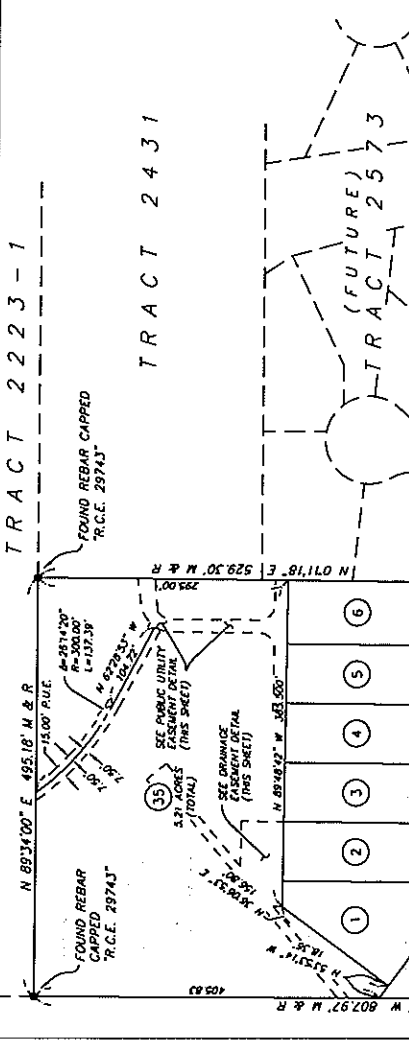
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 SAN LUIS OBISPO, CA 93406
 (805) 781-9286



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TRACT 2223-1

TRACT 2431

(FUTURE) TRACT 2573

TRACT 2573

TRACT 2571

TRACT 2571

TRACT 2571

TRACT 2571

TRACT 2571

TRACT 2571

TRACT 2223-1

TRACT 2431

(FUTURE) TRACT 2573

TRACT 2573

TRACT 2571

TRACT 2571

TRACT 2571

TRACT 2571

TRACT 2571

TRACT 2571

BASIS OF BEARINGS
 The basis of bearings for this survey was determined between found monuments as shown per R and bears N 89°40'56" W.



- LEGEND**
- SET 1" IP WITH TAG T.S. 5201"
 - FOUND MONUMENT AS NOTED PER R
 - FOUND 1" PIPE WITH TAG T.S. 5201" PER R
 - R RECORD OF SURVEY BOOK 87, PAGES 16 - 21, INCLUSIVE

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 2571
(DOYA PARTNERS II, LLC.) CONSTRUCTED PURSUANT TO THE
SUBDIVISION IMPROVEMENT AGREEMENT

WHEREAS, Tract 2571 was approved November 16, 2004, for recordation, and a Subdivision Improvement Agreement was entered into; and

WHEREAS, all public improvements required as Conditions of Approval for Tract 2571 have been constructed in compliance with the improvement plans and all applicable City Standards, and the City Engineer has certified to the Council the completion of such public improvements; and

WHEREAS, the Subdivider has constructed, installed or completed the following streets in Tract 2571 in accordance with the Subdivision Improvement Agreement, the improvement plans and all applicable City Standards:

<u>STREET NAME</u>	<u>FROM</u>	<u>TO</u>	<u>MILES</u>
Montebello Oaks Drive	500 feet e/o Kleck Road	Arciero Way	0.33
Gina Court	Montebello Oaks Drive	140 feet s/o Montebello Oaks Dr.	0.03
Arciero Way	130 feet s/o Terrabella Court	Montebello Oaks Drive	0.14

WHEREAS, Subdivider has requested that the City accept said public improvements in Tract 2571. The Subdivider has posted improvement securities for Tract 2571. Therefore, in accordance with the Subdivision Agreement in place for Tract 2571, the Subdivider has requested that the City accept said public improvements and authorize the release of improvement securities furnished by the Subdivider.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Upon completion of all public improvements to the satisfaction of the City Engineer, that the public improvements constructed as required for Tract 2571 be accepted into the City's maintenance system, approximately 0.50 miles in length, upon the release of maintenance securities, and the City shall then assume responsibility for their future maintenance and repair. The Subdivider shall be obligated for maintenance of all public improvements for a period of at least one year from date of acceptance by the City Council. After one year, maintenance securities may be released by the City Engineer upon completion of all correction items to the satisfaction of City staff.

SECTION 2. That upon receipt of a maintenance bond in the amount of \$160,562; the payment bond in the amount of \$802,811 and the performance bond in the amount of \$1,605,621 guaranteeing construction of these public improvements may be released in accordance with the terms of the Subdivision Improvement Agreement for Tract 2571.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 15th day of November 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk