

TO: James L. App, City Manager

FROM: Robert A. Lata, Community Development Director

SUBJECT: Approval of Final Map of Tract 2676, (Whaley, London) for Recordation, Execution of Subdivision Improvement Agreement, and Annexation No. 05-009 to Community Facilities District No. 2005-1

DATE: December 20, 2005

Needs: That the City Council consider taking a series of steps toward recordation of the Final Tract Map for Tract 2676, a residential subdivision.

- Facts:**
1. The applicants John Whaley and Mark London, have requested that Tract 2676 be authorized by the City for recordation. Tract 2676 is a 12-lot subdivision of a 6.76-acre site, including an open space parcel of 2.53 acres, located on the west side of Navajo Avenue just north of Cheyenne Drive (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 the documents needed for annexation of Lots 1-5 and 7-11 into the Community Facilities District (CFD).
 4. The applicants have signed a petition and voted in favor of annexation into the Landscape and Lighting District.

**Analysis
and**

Conclusion: Tract 2676 was originally approved by the Planning Commission on February 8, 2005. Annexation of Lots 1 through 5 and Lots 7 through 11 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. 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 authorizing the recordation of Tract 2676, a 12-lot subdivision located on the west side of Navajo Avenue north of Cheyenne Drive, and authorizing the Mayor to execute the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements with an established deadline of December 20, 2006 to complete these improvements; and
 - (2)** Adopt Resolution No. 05-xx annexing Lots 1 through 5 and Lots 7 through 11 of Tract 2676 into Community Facilities District No. 2005-1, and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and
 - (3)** Adopt Resolution No. 05-xx annexing Tract 2676 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 CFD
- 4) Resolution L and L

OWNERS STATEMENT

WE, THE UNDERSIGNED HEREBY STATE THAT WE ARE ALL THE OWNERS OF AND ALL THE RECORD HOLDERS OF SECURITY INTEREST IN AND ALL PARTS AND ALL ANY RECORD SHOWN ON THIS MAP, AND THAT EACH OF US DOES HEREBY CONSENT TO THE FILING AND/OR RECORDED OF THIS MAP.

WE HEREBY DEDICATE TO THE PUBLIC FOR THE USE, ALL STREETS SHOWN ON THIS MAP AND ALL ALLEYS, AND ALL PARTS AND ALL ANY RECORD SHOWN THEREAS AND SLURS PURPOSES SO DESIGNATED ON THIS MAP AND ALL USES INCIDENT THEREON.

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

WE ALSO RESERVE TO OURSELVES, OUR HEIRS AND ASSORS, CERTAIN PRIVATE DAMAGE EASEMENTS FOR THE USE AND BENEFIT OF THE PRESENT AND FUTURE OWNERS OF THE LOTS AFFECTED BY SUCH EASEMENTS AS DELINEATED ON SAID MAP.

WE HEREBY DEDICATE LOT 12 IN FEE SIMPLE TO THE PUBLIC FOR PUBLIC PURPOSES.

535 MAYNARD AVENUE PARADISE

BY: JOHN S. WHALEY, GENERAL PARTNER

BY: MARK S. LONDON, GENERAL PARTNER

ACKNOWLEDGEMENT

STATE OF _____ COUNTY OF _____ ON THIS _____ DAY OF _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN S. WHALEY PERSONALLY TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE INSTRUMENT AND THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY, AND THAT BY HIS/HERS/THEIR SIGNATURE(S) UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE _____ NAME PRINTED _____ COUNTY OF _____ STATE OF _____ COMMISSION # _____ EXPIRES _____

ACKNOWLEDGEMENT

STATE OF _____ COUNTY OF _____ ON THIS _____ DAY OF _____, 20____, BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARK S. LONDON PERSONALLY TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND THAT BY HIS SIGNATURE ON THE INSTRUMENT HE HAS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT HE HAS AUTHORIZED CAPACITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE _____ NAME PRINTED _____ COUNTY OF _____ STATE OF _____ COMMISSION # _____ EXPIRES _____

PLANNING COMMISSION STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM A MEMBER OF THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES FOR TRACT 2876 ON JANUARY 18, 2005.

ROBERT A. LAVAL, COMMUNITY DEVELOPMENT DIRECTOR CITY OF PASO ROBLES, CALIFORNIA

TRUSTEE'S STATEMENT

FIRST AMERICAN TITLE INSURANCE COMPANY AS TRUSTEE UNDER A DEED OF TRUST RECORDED JULY 1, 1999 AS INSTRUMENT NO. 2002-071898, OF OFFICIAL RECORDS AND DEED OF TRUST RECORDED SEPTEMBER 17, 2002 INSTRUMENT NO. 2002-071898, OF OFFICIAL RECORDS.

BY: _____ PRINT NAME _____ DATE _____ TITLE _____

ACKNOWLEDGEMENT

STATE OF CALIFORNIA COUNTY OF SAN LUIS OBISPO ON THIS _____ DAY OF _____, 20____, BEFORE ME _____ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY 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, AND THAT BY HIS/HERS/THEIR SIGNATURE(S) UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE _____ COUNTY OF SAN LUIS OBISPO, CALIFORNIA NAME PRINTED _____ COMMISSION # _____ EXPIRES _____

CITY CLERK'S STATEMENT

I, DENNIS FANSLER, CITY CLERK OF THE CITY OF EL PASO DE ROBLES, STATE OF CALIFORNIA, HEREBY STATE THE CITY COUNCIL OF SAID CITY DID ON THE _____ DAY OF _____, 20____, APPROVE THE MAP OF TRACT 2876 SHOWN HEREON, THE OFFERS OF OFFER OF DEDICATION AND SLURS, AND LOT 12 WERE ACCEPTED BY THE CITY COUNCIL OF SAID CITY AND THE CITY OF EL PASO DE ROBLES HAS AN INTEREST IN SAID LAND.

WITNESS BY HAND AND SEAL THIS _____ DAY OF _____, 20____ DENNIS FANSLER, CITY CLERK, CITY OF PASO ROBLES, CALIFORNIA

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE MAP ENTITLED TRACT 2876, THAT THE SUBDIVISION, AS SHOWN, IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED THEREON, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

JOHN FALKENSTEIN, CITY ENGINEER DATE _____ RECE 33760 EXPIRES 8-30-2006 CITY OF EL PASO DE ROBLES

SURVIVOR'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 MARK S. LONDON AND JOHN S. WHALEY, GENERAL PARTNERS OF THE CITY OF EL PASO DE ROBLES. THE SURVEY SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I HEREBY STATE THAT THE MONUMENTS SHOWN HEREON WILL BE OF A CHARACTER AND QUALITY AS INDICATED WITHIN ONE YEAR OF THE RECORDED OF THIS MAP AND WILL BE SURTITLED TO ENURE THE SURVEY TO BE RETRACED.

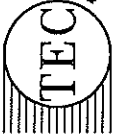
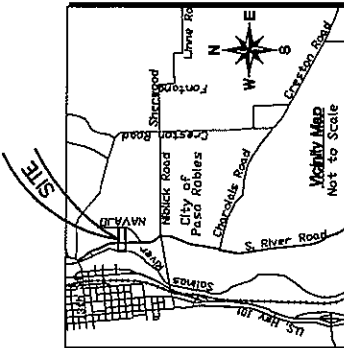
DATE: _____ TERRI A GREEN, P.L.S. 7868, EXP. 12-31-2006



COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 20____ AT _____, IN BOOK _____ OF MAPS AT PAGE _____ AT THE REQUEST OF TERRI A GREEN, P.L.S. 7868. DOCUMENT NO. _____ FEE _____

SIGNED: JULIE L. REDWALD COUNTY RECORDER BY: _____ DEPUTY



1119 8900 STREET, STE B1, SAN LUIS OBISPO, CA 93401 PA (805) 541-2114, fax (805) 541-2132

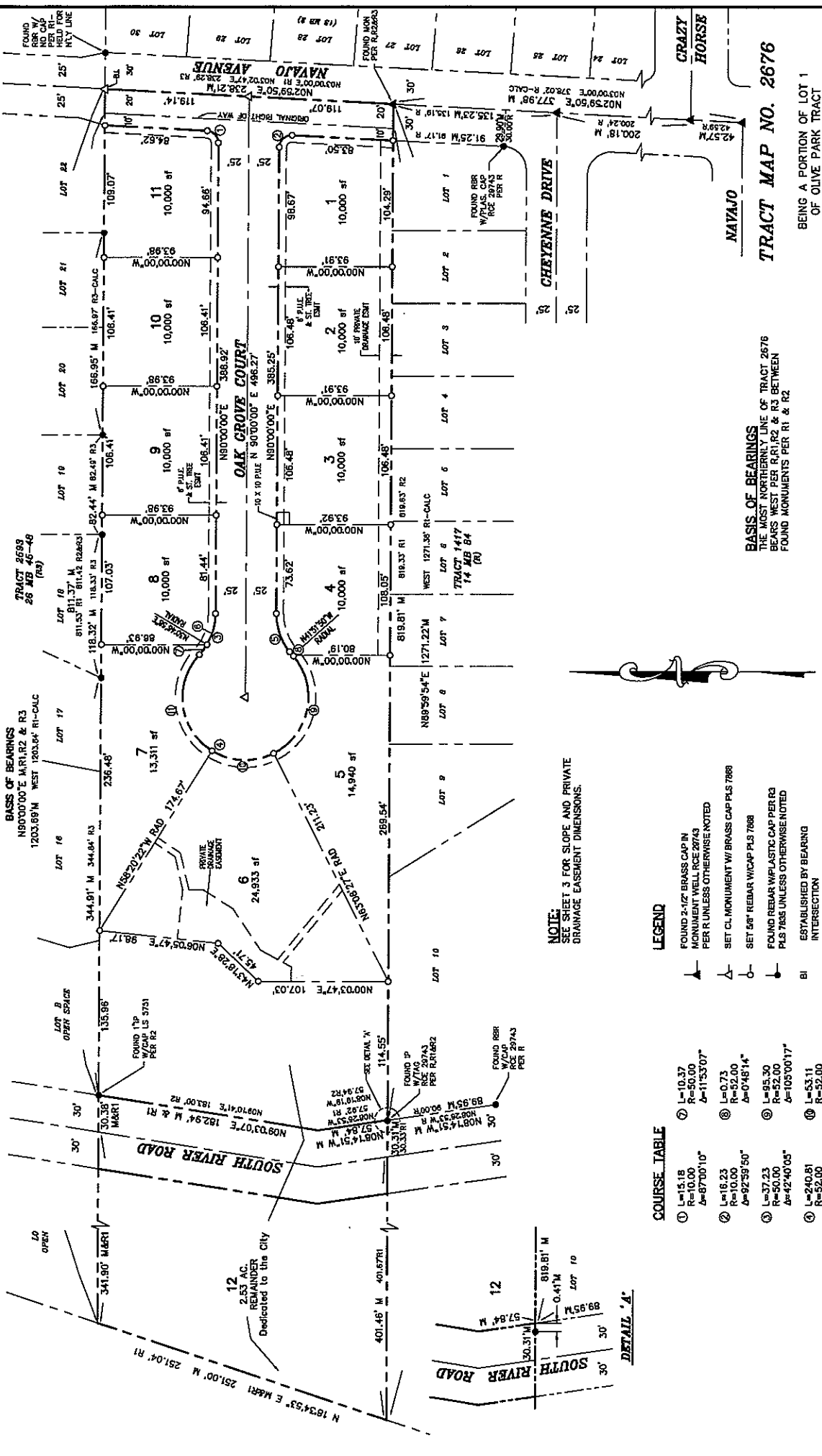
TRACT MAP NO. 2676

BEING A PORTION OF LOT 1 OF OLIVE PARK TRACT (A MB 32)

City of Paso Robles County of San Luis Obispo July 2005

SHEET 1 OF 3

TEC JOB: LONDON004-QUESTA TITLE COMPANY NO. B10449



BASIS OF BEARINGS
 N00°00'00"E M&R1,R2 & R3
 12003.09' M WEST 1203.04' RI-CALC

TRACT 2693
 26 MB 45-46
 (R&R)

TRACT 2676
 THE MOST NORTHERLY LINE OF TRACT 2676
 BEARS WEST PER R, R1, R2 & R3 BETWEEN
 FOUND MONUMENTS PER R1 & R2

TRACT 2676
 BEING A PORTION OF LOT 1
 OF OLIVE PARK TRACT
 (A MB 32)

TRACT MAP NO. 2676

CITY OF PASO ROBLES
 County of San Luis Obispo
 July 2005

SHEET 2 OF 3

TEC JOB LONDON004
QUESTA TITLE COMPANY, NO. 810440

NOTE:
 SEE SHEET 3 FOR SLOPE AND PRIVATE
 DRAINAGE EASEMENT DIMENSIONS.

LEGEND

- ① L=15.18
R=10.00
Δ=87°00'10"
- ② L=18.23
R=10.00
Δ=92°59'50"
- ③ L=37.23
R=50.00
Δ=42°40'03"
- ④ L=240.81
R=52.00
Δ=265°20'09"
- ⑤ L=37.23
R=50.00
Δ=42°40'05"
- ⑥ L=28.88
R=50.00
Δ=30°46'58"
- ⑦ L=19.37
R=50.00
Δ=11°53'07"
- ⑧ L=0.73
R=52.00
Δ=0°46'14"
- ⑨ L=95.30
R=52.00
Δ=105°00'17"
- ⑩ L=53.11
R=52.00
Δ=58°31'11"
- ⑪ L=61.67
R=101.00
Δ=101°00'28"
- ⑫ L=28.88
R=50.00
Δ=30°46'58"

COURSE TABLE

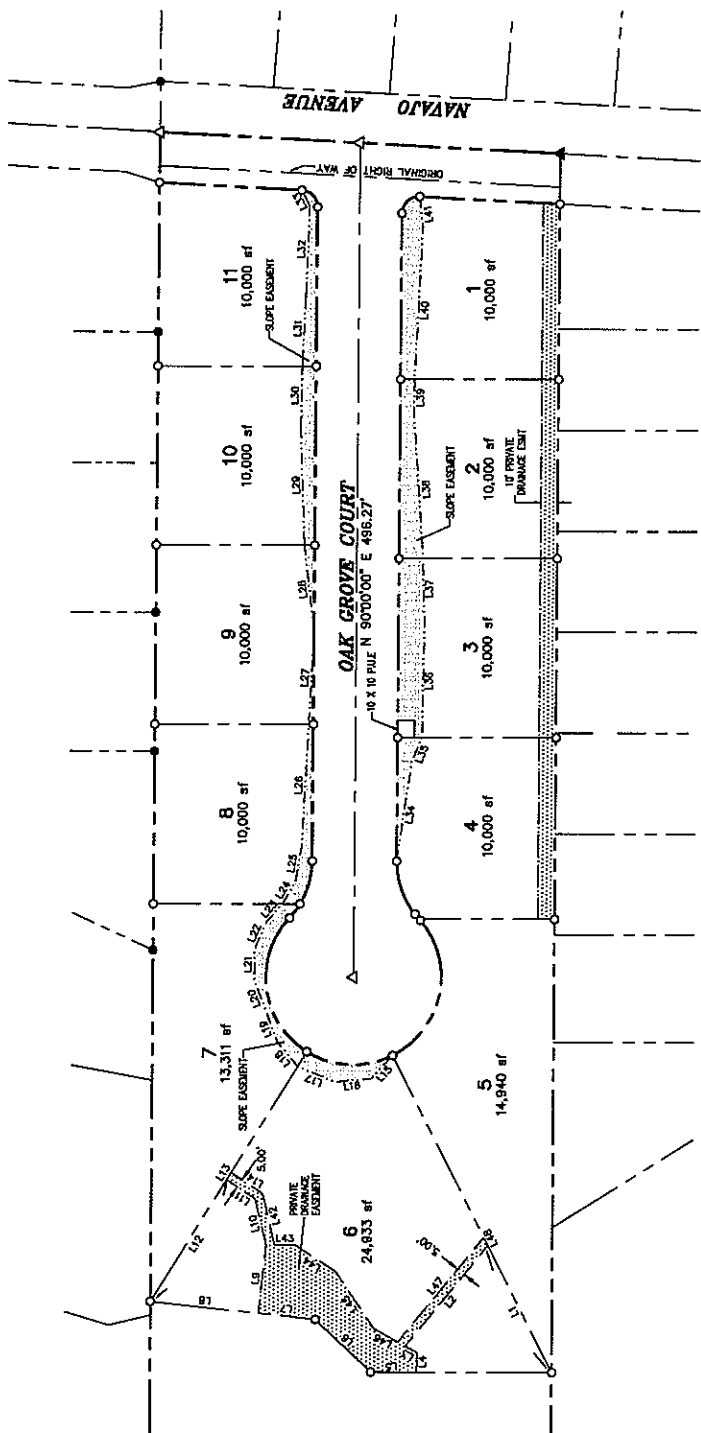
- ① FOUND 2-1/2" BRASS CAP IN MONUMENT WELL RCE 20743 PER R UNLESS OTHERWISE NOTED
- ② SET CL MONUMENT W/ BRASS CAP PLS 7888
- ③ SET 5/8" REBAR W/ CAP PLS 7888
- ④ FOUND REBAR W/ PLASTIC CAP PER R3 PLS 7888 UNLESS OTHERWISE NOTED
- ⑤ ESTABLISHED BY BEARING INTERSECTION
- ⑥ 14 MB 84
- ⑦ 56 RS 70
- ⑧ 61 PM 46
- ⑨ 26 MB 45-46
- ⑩ IRON PIPE
- ⑪ MEASURED
- ⑫ REBAR
- ⑬ CALC



TEC
CIVIL ENGINEERING CONSULTANTS
 115 BROAD STREET, STE 81 SAN LUIS OBISPO, CA 93401
 PH. (805) 941-2114, FAX (805) 941-2132

TEC JOB LONDON004
QUESTA TITLE COMPANY, NO. 810440





SLOPE EASEMENT LINE TABLE

LINE	LENGTH	BEARING
L15	18.62	N81°17'37"W
L16	21.86	N85°10'55"W
L17	24.09	N22°35'04"E
L18	10.62	N59°15'39"E
L19	19.75	N62°15'39"E
L20	19.75	N62°15'39"E
L21	19.75	N62°15'39"E
L22	17.80	N67°15'24"W
L23	14.47	N49°15'45"W
L24	15.53	N59°17'55"W
L25	21.19	N69°19'51"W
L26	15.53	N69°19'51"W
L27	53.04	N67°08'25"W
L28	31.81	N53°03'58"E
L29	71.65	N87°54'49"E
L30	34.89	N69°14'15"W
L31	44.15	N67°25'45"W
L32	10.95	N62°15'39"W
L33	60.25	N51°36'27"W
L34	60.25	N51°36'27"W
L35	15.58	N67°25'41"W
L36	65.81	N85°16'41"W
L37	39.70	N69°15'39"E
L38	66.35	N65°05'59"E
L39	58.53	N62°15'39"W
L40	58.53	N62°15'39"W
L41	17.97	N82°42'10"E

DRAINAGE EASEMENT LINE TABLE

LINE NO.	LENGTH	BEARING
L1	84.47	N63°08'27"E
L2	76.99	N50°52'19"W
L3	7.78	N28°58'02"E
L4	11.78	N88°58'13"W
L5	27.09	N00°03'47"E
L6	45.71	N43°18'28"E
L7	33.07	N08°05'47"E
L8	64.30	N08°05'47"E
L9	40.89	N63°54'13"W
L10	28.20	N78°31'18"E
L11	20.48	N24°11'41"E
L12	81.25	N52°20'22"W
L13	27.63	N52°20'22"W
L14	27.63	N52°20'22"W
L42	31.31	N76°51'15"E
L43	11.98	N00°17'19"W
L44	29.01	N32°53'32"E
L45	40.86	N58°07'02"E
L46	16.23	N28°56'02"E
L47	80.11	N50°52'19"W
L48	5.47	N63°08'27"E



TRACT MAP NO. 2676

BEING A PORTION OF LOT 1
OF OLIVE PARK TRACT
(A MB 32)

City of Paso Robles
County of San Luis Obispo
July 2005

SHEET 3 OF 3

TEC
CIVIL
ENGINEERING
CONSULTANTS
THE PASO ROBLES OFFICE: 311 S. 3RD ST. PASO ROBLES, CA 93421
PH. (805) 541-2114, FAX (805) 541-2132

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 2676 (WHALEY-LONDON)

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 2676, 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 Oak Grove Court, Navajo Avenue, open space Lot 12, 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 20th day of December 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ANNEXING LOTS 1 THROUGH 5 AND LOTS 7 THROUGH 11 OF TRACT 2676 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 Lots 1 through 5 and Lots 7 through 11 of Tract 2676 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 535 Navajo Avenue Partners.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessments for Lots 1 through 5 and Lots 7 through 11 of Tract 2676 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. 05-00x to the Paso Robles Community Facilities District No. 2005-1.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 20th day of December, 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 2676 (LONDON/WHALEY) AS PART OF SUBAREA 102 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 2676 (London/Whaley) 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 2676 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 535 Navajo Avenue Partners (John S. Whaley and Mark S. London, General Partners).

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for Tract 2676 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 102.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 20th day of December 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 1 of Olive Park Tract, in the City of El Paso de Robles, County of San Luis Obispo, State of California, according to the map recorded November 15, 1893 in Book A, Page 32 of Maps, described as follows:

Beginning at Post S.85 at the Northeast corner of said Lot;
Thence West along the North line of said Lot, 18 chains;
Thence South $18\frac{1}{4}^{\circ}$ West, 3.80 chains;
Thence East 19 chains to the Easterly line of said Lot;
Thence North 3° East along said Easterly line 3.60 chains to the Point of Beginning.

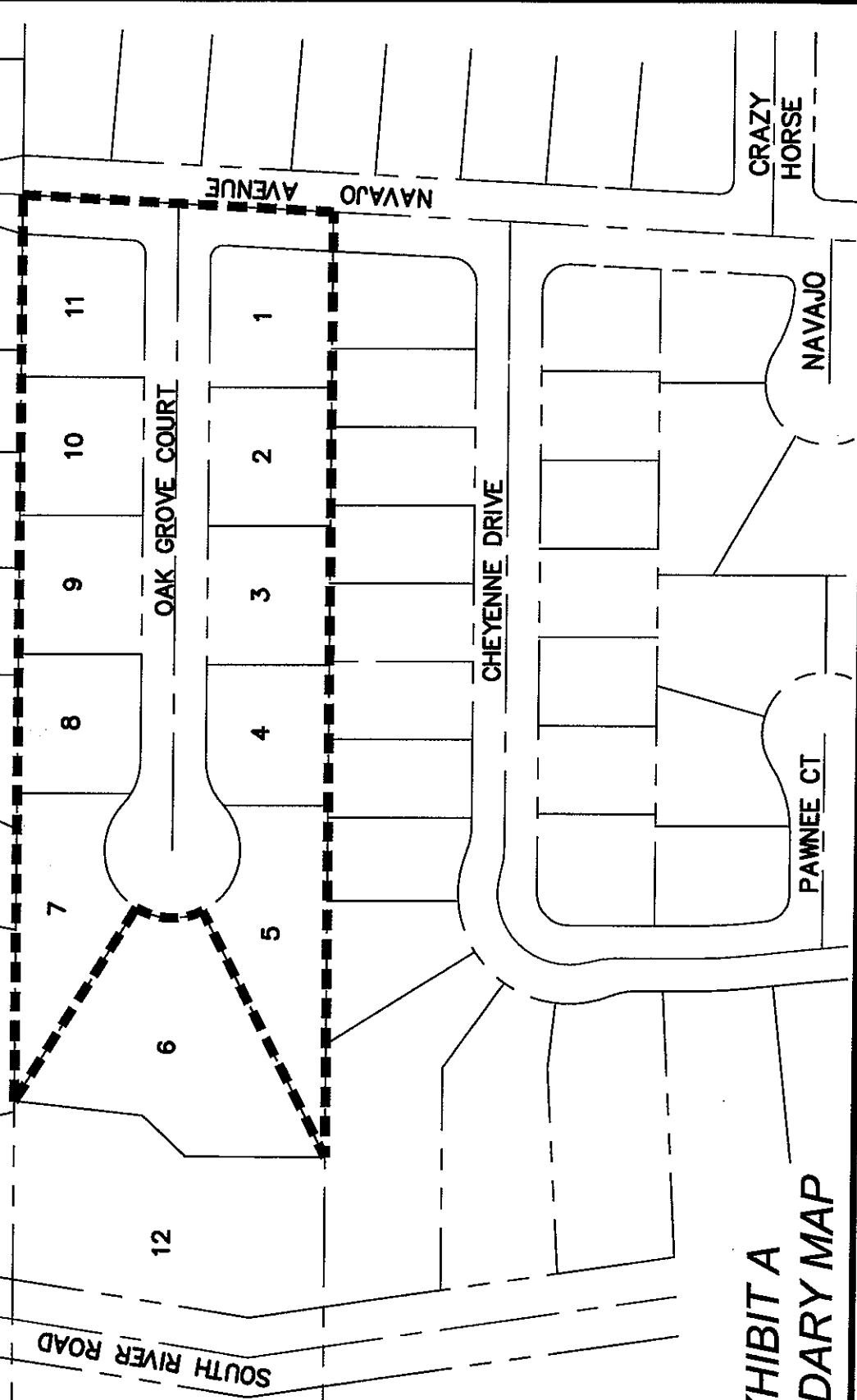
EXCEPTING THEREFROM the interest for road purposes in any part of said lot located within the boundaries of the road running through the Westerly portion thereof as shown on said map.

Assessor's Parcel No.: 009,511,029

LEGEND



Proposed Boundaries of City of Paso Robles
Community Facilities District 2005-1
Annexation No. 05-009 San Luis Obispo County, California



**EXHIBIT A
BOUNDARY MAP**