

TO: James L. App, City Manager

FROM: Ron Whisenand, Community Development Director

SUBJECT: Acceptance of Public Improvements – Tract 2369-4 (Fallingstar Homes Lots 169-250)

DATE: August 7, 2007

Needs: That the City Council authorize the acceptance of public improvements resulting from the development of Tract 2369-4 (Lots 169-250) into the City's maintenance system.

- Facts:**
1. On November 1, 2005, the City Council accepted Tract 2369-4 for recordation and executed a Subdivision Improvement Agreement with the Developer of this subdivision.
 2. This subdivision is located along Montebello Oaks Drive, Kleck Road and Vista Oaks Way (see Vicinity Map).
 3. The public improvements have been constructed to the satisfaction of City staff.
 4. The Subdivider has constructed the following streets 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>
Kleck Road	100 feet w/o Skyview Drive	550 feet w/o Vista Oaks Way	0.17
Via Magnolia	Montebello Oaks Drive	900 feet w/o Montebello Oaks Drive	0.17
Heidi Court	Montebello Oaks Drive	450 feet s/o Montebello Oaks Drive	0.09
Montebello Oaks Drive	200 feet w/o Skyview Drive	Vista Oaks Way	0.11
Victoria Court	Vista Oaks Way	300 feet w/o Vista Oaks Way	0.06
Vista Oaks Way	Montebello Oaks Drive	1,900 feet n/o Montebello Oaks Drive	0.36

Analysis

And

Conclusion: The public improvements, which the developer was required to install for this subdivision have been completed with the exception of the parkway landscaping. Conditions of approval for Tract 2369, adopted by the Planning Commission on August 8, 2000, allow that completion of parkway landscaping may be deferred 60 days after the issuance of certificates of occupancy if adequate securities have been posted. The City will retain the performance bond until the landscaping is completed. At that point, a Maintenance Bond may be posted in accordance with the subdivision agreement, for a period of one year as warranty for all improvements installed.

Acceptance of public improvements will allow for issuance of certificates of occupancy for homes in the subdivision.

Policy

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

Fiscal

Impact: The Contractor is obligated to warranty all public improvements for a one-year period following acceptance by the City Council. Parkway landscaping must be maintained by the subdivider during this period. Once the one-year period has expired, 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. 07-xxx accepting the public improvements of Tract 2369-4 (Lots 169– 250) into the City’s maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$336,347.
- 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 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.

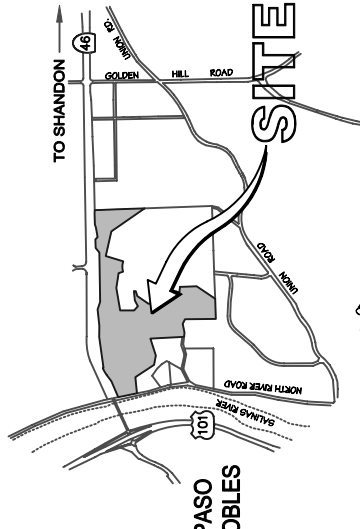
NOTARY SIGNATURE _____ NAME PRINTED _____
COUNTY OF SAN LUIS OBISPO, CA. NOTARY EXPIRES _____
NOTARY COMMISSION NUMBER _____

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 36X30 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, WHICH 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 _____
COUNTY RECORDER DEPUTY 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



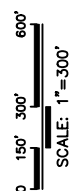
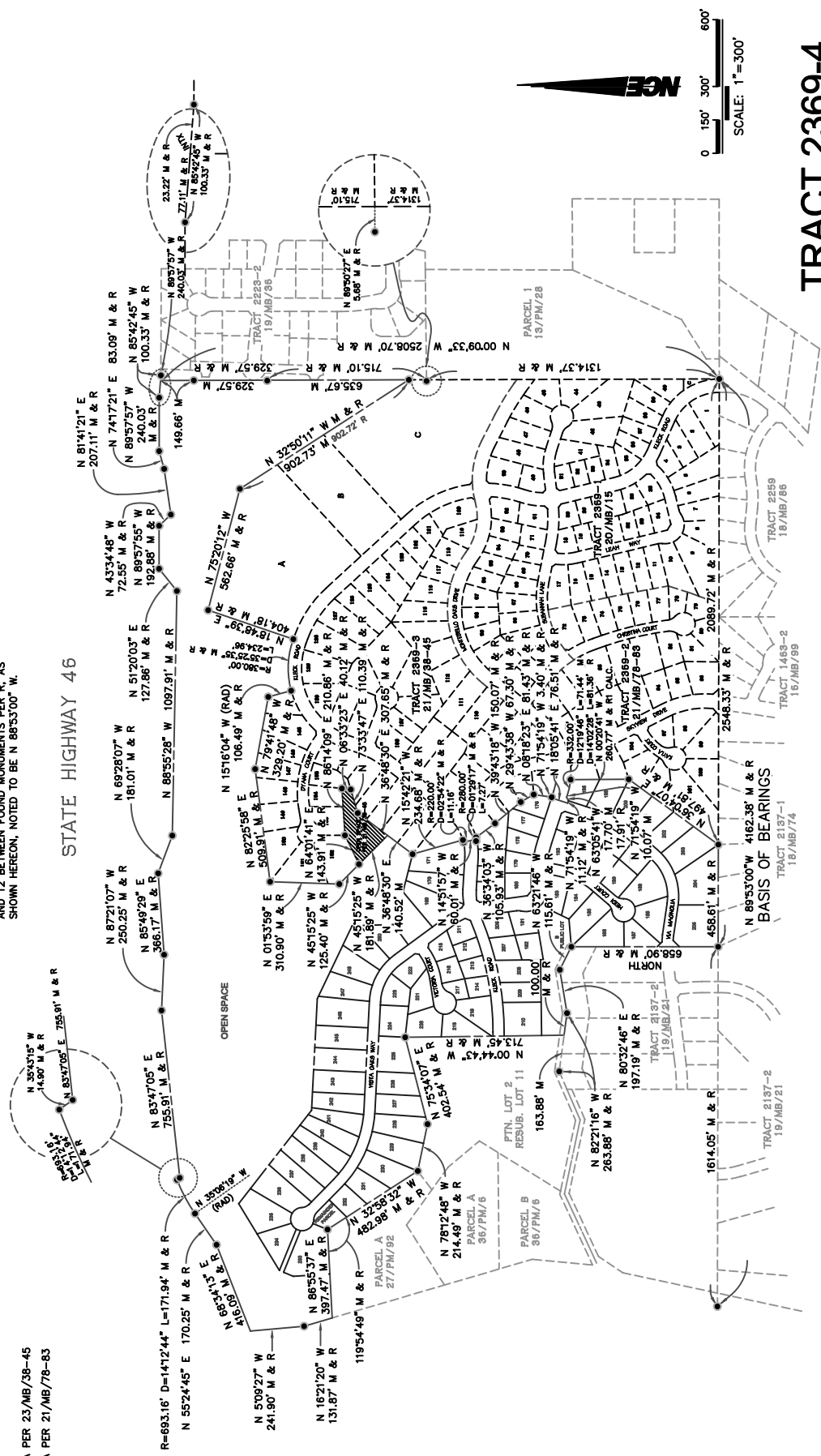
LEGEND

- 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.

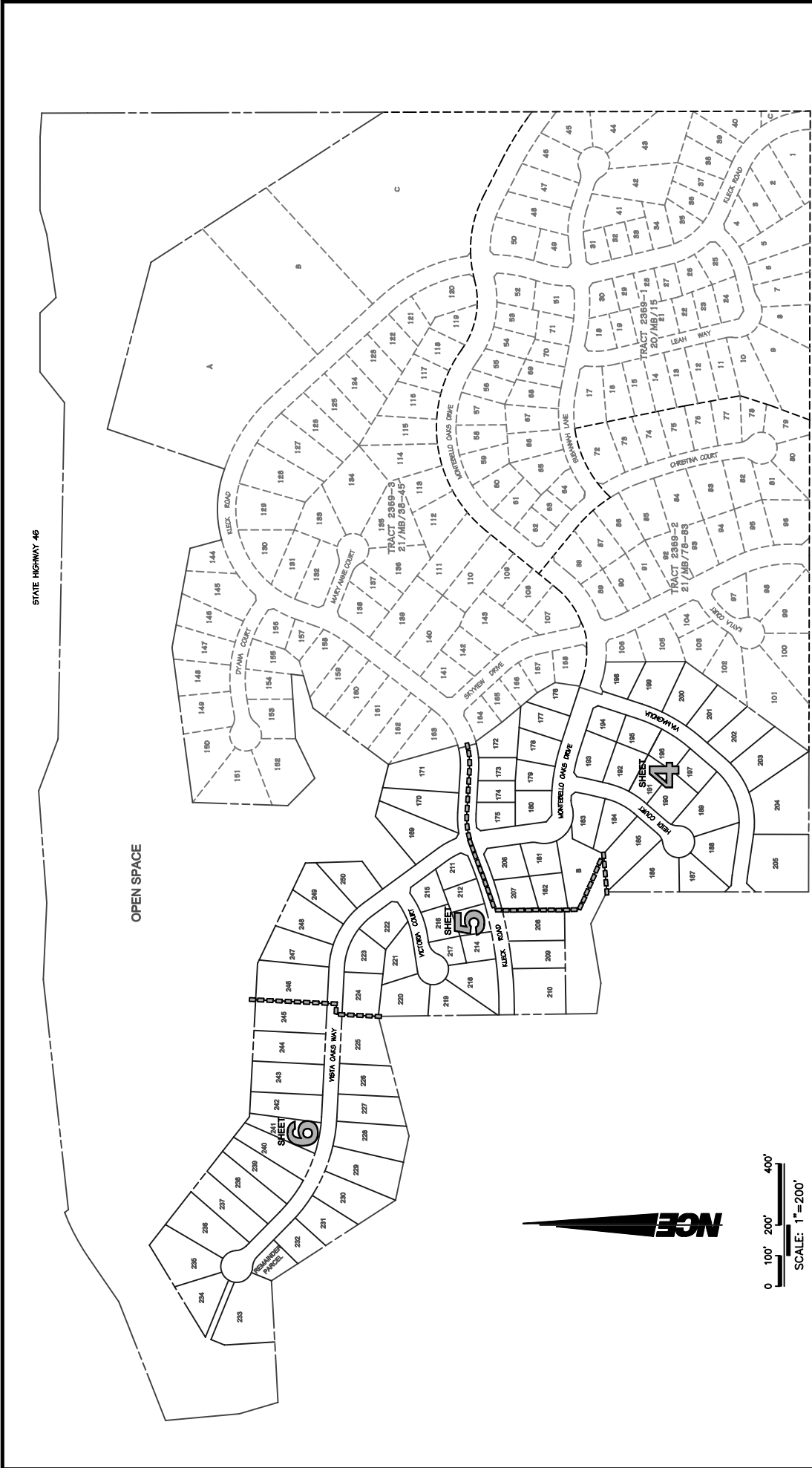
STATE HIGHWAY 46



TRACT 2369-4

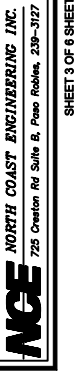
IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEING A SUBDIVISION OF A PORTION OF LOTS 2 THRU 13 PER THE MAP RECORDED IN BOOK B OF MAPS AT PAGE 100, RECORDS OF SAID COUNTY

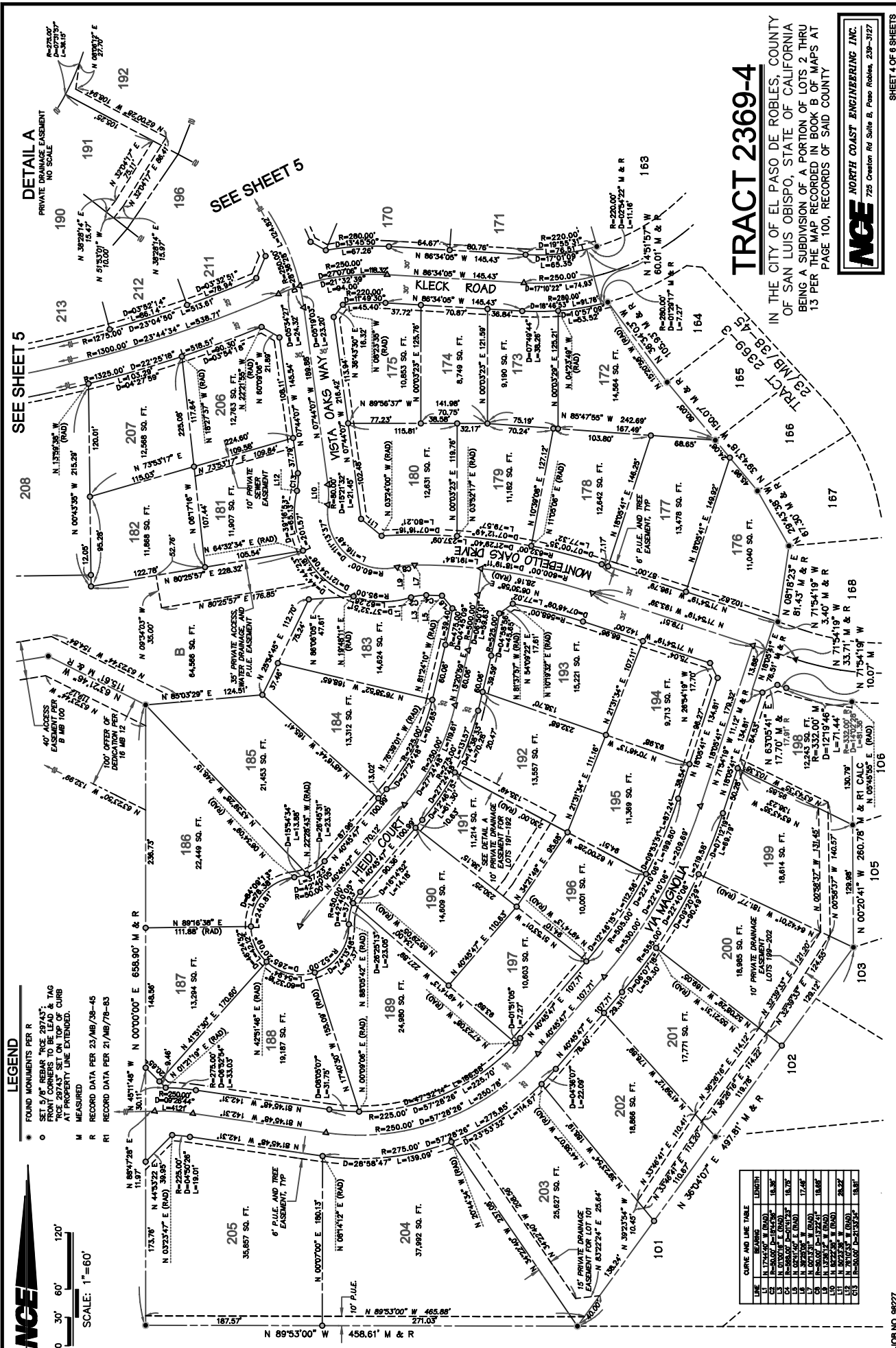




INDEX SHEET TRACT 2369-4

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





LEGEND

- * FOUND MONUMENTS PER R
- SET 5/8" IRON PIPE 20" x 24" AT CORNERS TO BE LEAD & TAG
- SET 3/4" x 3/4" 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

ACE

0 30' 60' 120'

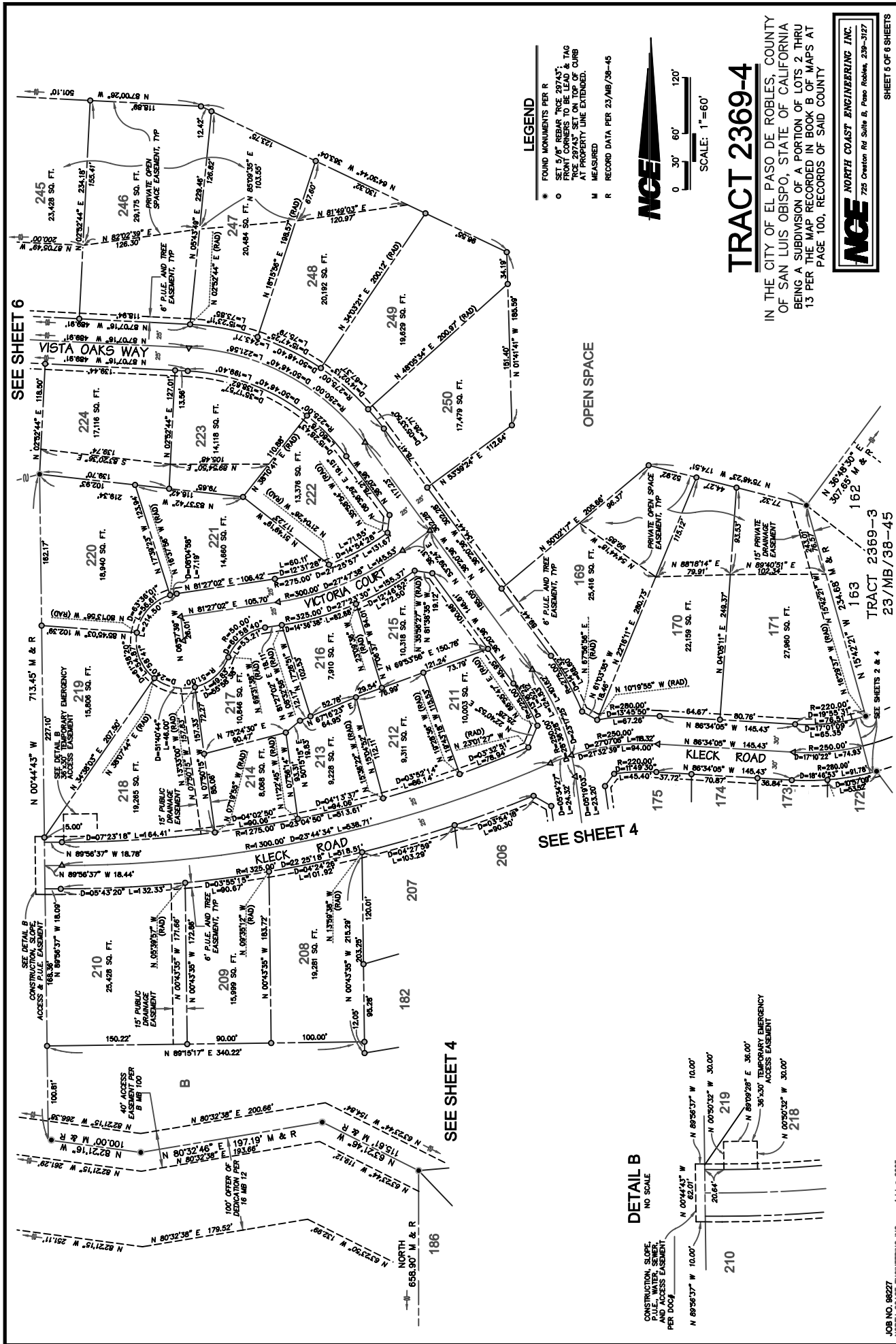
SCALE: 1" = 60'

LINE	BEARING	LENGTH
1	N 173°17' E	18.30'
2	N 03°23'47" E (RAD)	34.85'
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210	N 03°23'47" E (RAD)	18.30'
211	N 03°23'47" E (RAD)	18.30'
212	N 03°23'47" E (RAD)	18.30'
213	N 03°23'47" E (RAD)	18.30'

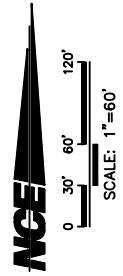
TRACT 2369-4

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

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



- LEGEND**
- FOUND MONUMENTS PER R
 - SET 5/8" REBAR "TIE 20'x3" TAG TO CORNER OF LOT. TAG TO BE 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

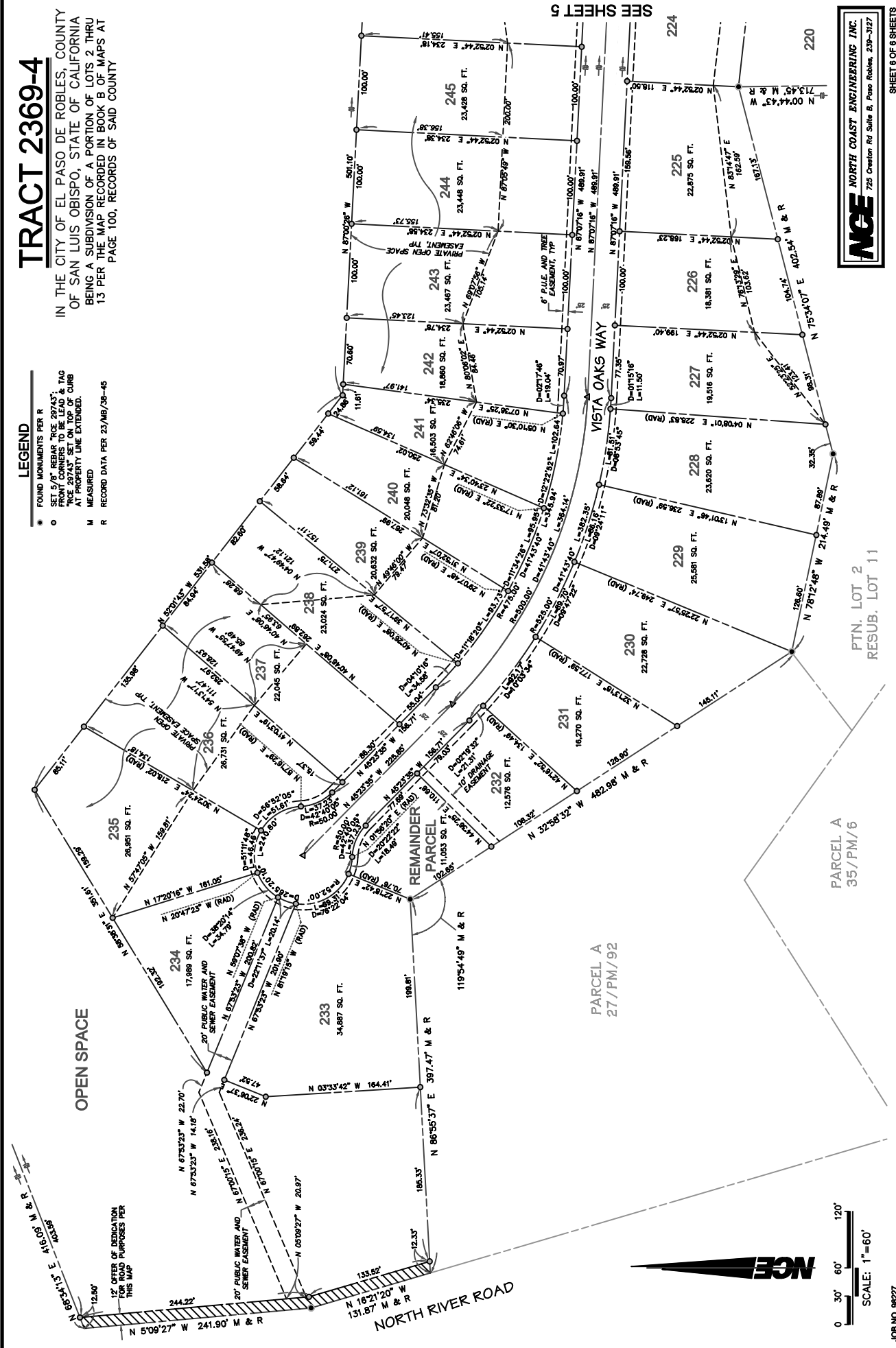


TRACT 2369-4

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 9574", FROM CORNERS TO BE LAD & TAG "ACE 29743" SET ON TOP OF CURB AT PROPERTY LINE EXTENDED.
- M MEASURED
- R RECORD DATA PER 23/MB/58-45

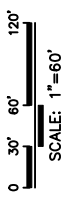


SHEET 6 OF 6 SHEETS

PTN. LOT 2
RESUB. LOT 11

PARCEL A
35/PM/6

PARCEL A
27/PM/92



JOB NO. 98227
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RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES ACCEPTING PUBLIC IMPROVEMENTS FOR TRACT 2369-4 (FALLINGSTAR HOMES, INC.; LOTS 169-250) CONSTRUCTED PURSUANT TO THE SUBDIVISION IMPROVEMENT AGREEMENT AND AUTHORIZING RELEASE OF THE PERFORMANCE, PAYMENT AND MAINTENANCE SECURITIES ONE YEAR FROM DATE OF ACCEPTANCE OF THE PUBLIC IMPROVEMENTS

WHEREAS, Tract 2369-4 was accepted November 1, 2005, for recordation, and a Subdivision Improvement Agreement was entered into; and

WHEREAS, all public improvements required as Conditions of Approval for this subdivision 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 or roads 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>
Kleck Road	100 feet w/o Skyview Drive	550 feet w/o Vista Oaks Way	0.17
Via Magnolia	Montebello Oaks Drive	900 feet w/o Mon. Oaks Drive	0.17
Heidi Court	Montebello Oaks Drive	450 feet s/o Mon. Oaks Drive	0.09
Montebello Oaks Drive	200 feet w/o Skyview Drive	Vista Oaks Way	0.11
Victoria Court	Vista Oaks Way	300 feet w/o Vista Oaks Way	0.06
Vista Oaks Way	Montebello Oaks Drive	1,900 feet n/o Mon. Oaks Dr.	0.36

WHEREAS, Subdivider has requested that the City accept said public improvements and authorize the release of improvement securities furnished by Subdivider pursuant to the terms and conditions of the Subdivision Improvement Agreement.

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 2369-4 be accepted into the City's maintenance system, approximately 0.96 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 \$336,347, the performance bond for \$3,363,467 and the payment bond for \$1,681,734 guaranteeing construction of these public improvements may be released.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 7th day of August 2007 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk