

TO: James L. App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Approval of Final Map of Tract 2782, (Paso Robles VII, LLC) for Recordation, Execution of Subdivision Improvement Agreement, and Annexation No. 05-032 to Community Facilities District No. 2005-1
DATE: September 4, 2007

Needs: That the City Council consider taking a series of steps toward recordation of the Final Tract Map for Tract 2782, a residential subdivision.

Facts:

1. Applicants Paso Robles VII, LLC, have requested that Tract 2782 be authorized by the City for recordation. Tract 2782 is a seven-lot subdivision of an 8.33-acre site, located on the extension of Experimental Station Road, approximately one-half mile east of Buena Vista 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. 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 1-7 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 2782 was originally approved by the Planning Commission on November 22, 2005. Annexation of Lots 1 through 7 into 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. 07-xx authorizing the recordation of Tract 2782, a seven-lot subdivision located on the easterly extension of Experimental Station Road, and authorizing the Mayor to execute the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements with an established deadline of September 4, 2008 to complete these improvements; and
 - (2)** Adopt Resolution No. 07-xx annexing Lots 1 through 7 of Tract 2782 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. 07-xx annexing Tract 2782 into the Landscape and Lighting District.
- b. Amend, modify or reject the above option.

Attachments: (4)

- 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 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 WE DO HEREBY CONSENT TO THE FILING AND/OR RECORDATION OF THIS MAP.

WE HEREBY RESERVE UNTO OURSELVES, OUR HEIRS, AND ASSAIGNS FOR THE USE AND BENEFIT OF THE SEVERAL PUBLIC UTILITY EXISTENTS THE RIGHT, UNIMPEDED, TO SERVE IN SAID SUBDIVISION AS PUBLIC UTILITY EXISTENTS, OR "PULE"

WE ALSO HEREBY RESERVE TO OURSELVES, OUR HEIRS AND ASSAIGNS THOSE CERTAIN PRIVATE DRAINAGE EXISTENTS SHOWN HEREON.

WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE EXISTENTIAL STATION ROAD, SEWER AND WATER EXISTENTS, THE LANDSCAPE EXISTENT, AND THE TREE PLANTING EXISTENTS AS SHOWN HEREON.

OWNERS:
PASO ROBLES W. LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
TERRILL COMPANY, INC., ITS MANAGER

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF PASO) SS

BEFORE ME, a Notary Public in and for the State of California, personally appeared JOHN GATES, PRESIDENT of PASO ROBLES W. LLC (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(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE WITHIN INSTRUMENT HE/SHE/THEY INTENDED TO EXECUTE THE SAME AS OR THE ENTITY/IES UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

IN WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: _____
COMMISSION EXPIRATION DATE: _____
COMMISSION # _____
NAME PRINTED: _____
COUNTY OF: _____

SIGNATURE OMISSIONS

THE SIGNATURE OF EITHER A BENEFIT OWNER OR AN EXISTENT, AS DESIGNATED BY THE INSTRUMENT, IS NOT REQUIRED TO BE OBTAINED OR RECORDED IN THE RECORDS OF SAN LUIS OBISPO COUNTY, HAS BEEN OBTAINED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (G)-(3-A) OF THE SUBDIVISION MAP ACT, HIS INTEREST IS SUCH THAT IT CANNOT BE OBTAINED, OR THE SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY.

NOTE

A REPLYING ACCEPTANCE AGREEMENT SHALL BE RECORDED CONCURRENTLY WITH THIS MAP.

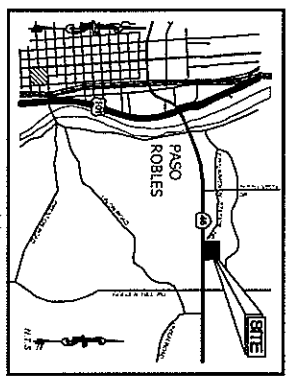
HA8007-07-366 PR LLC V18-SUB-WY-07-366 FROM 05-491 FINAL MAP 3-17-07-249 08/23/2007 1054506 AM 071

WINDMILL RANCH

TRACT NO. 2782

BEING A 7 LOT RESUBDIVISION OF PARCEL 2 OF PARCEL MAP NO. CO-75-89 IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED DECEMBER 24, 1975 IN BOOK 18, PAGE 84 OF PARCEL MAPS IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

THE CITY OF PASO ROBLES,
SAN LUIS OBISPO COUNTY, CALIFORNIA



ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF PASO) SS

BEFORE ME, a Notary Public in and for the State of California, personally appeared _____ (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(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE WITHIN INSTRUMENT HE/SHE/THEY INTENDED TO EXECUTE THE SAME AS OR THE ENTITY/IES UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

IN WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: _____
COMMISSION EXPIRATION DATE: _____
COMMISSION # _____
NAME PRINTED: _____
COUNTY OF: _____

BENEFICIARY

INDYMAC BANK, FSB, AS BENEFICIARY PER A TRUST RECORDED JUNE 15, 2006 AS INSTRUMENT NUMBER 2006-04228 AND JANUARY 18, 2007 AS INSTRUMENT NUMBER 2007-00986 OF OFFICIAL RECORDS.

BY: _____ DATE _____
TITLE _____

JOB NO. 07-366 SHEET 1 OF 3 SHEETS
UNITED GENERAL TITLE COMPANY #110-32853 R3

SURVEYOR'S STATEMENT

I, ALBERT DAN KING, HEREBY STATE THAT I AM A LICENSED SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS MAP IS A CORRECT AND ACCURATE REPRESENTATION OF THE REAL PROPERTY DESCRIBED THEREON. I HAVE EXAMINED THE ORIGINAL RECORDS OF SAID INSTRUMENT IN FEBRUARY 2006, AND THAT ALL THE INFORMATION SHOWN HEREON ARE OF THE CHARACTER AND POSITION SHOWN HEREON, OR SHALL BE SET IN A STATE OF RECORDS IN THE OFFICE OF THE RECORDER OF SAID COUNTY, AND ARE SUBJECT TO BE SUBJECT TO BE RETAINED.

ALBERT DAN KING, U.S. #6145 DATE _____
LICENSE EXP. 6-30-07

PLANNING COMMISSION STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT THE COMMISSION HAS TAKEN THE ACTION TAKEN BY THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES FOR TENTATIVE TRACT 2782 ON November 22, 2006.

RONALD WHELAN, DEVELOPMENT DIRECTOR DATE _____
COMMUNITY DEVELOPMENT DIRECTOR

CITY ENGINEERS STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE AMENDED MAP ENTITLED "WINDMILL RANCH" AND THAT I AM SATISFIED THAT THE MAP IS A CORRECT AND ACCURATE REPRESENTATION OF THE REAL PROPERTY DESCRIBED THEREON. I HAVE EXAMINED THE ORIGINAL RECORDS OF SAID INSTRUMENT IN FEBRUARY 2006, AND THAT ALL THE INFORMATION SHOWN HEREON ARE OF THE CHARACTER AND POSITION SHOWN HEREON, OR SHALL BE SET IN A STATE OF RECORDS IN THE OFFICE OF THE RECORDER OF SAID COUNTY, AND ARE SUBJECT TO BE SUBJECT TO BE RETAINED.

JOHN FALKENBERG, CITY ENGINEER DATE _____
CITY OF PASO ROBLES P.C.E. #3760 (EXPIRES 6/30/06)

CITY CLERK STATEMENT

I, DENNIS FANISER, CITY CLERK OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, HEREBY STATE THAT THE CITY COUNCIL OF SAID CITY DID ON THE 15th DAY OF _____, 2007, APPROVE THIS MAP AS SHOWN ON THE WITHIN INSTRUMENT AND THAT THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT HAS/HAVE BEEN DESIGNATED AS OR THE ENTITY/IES UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

IN WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2006.

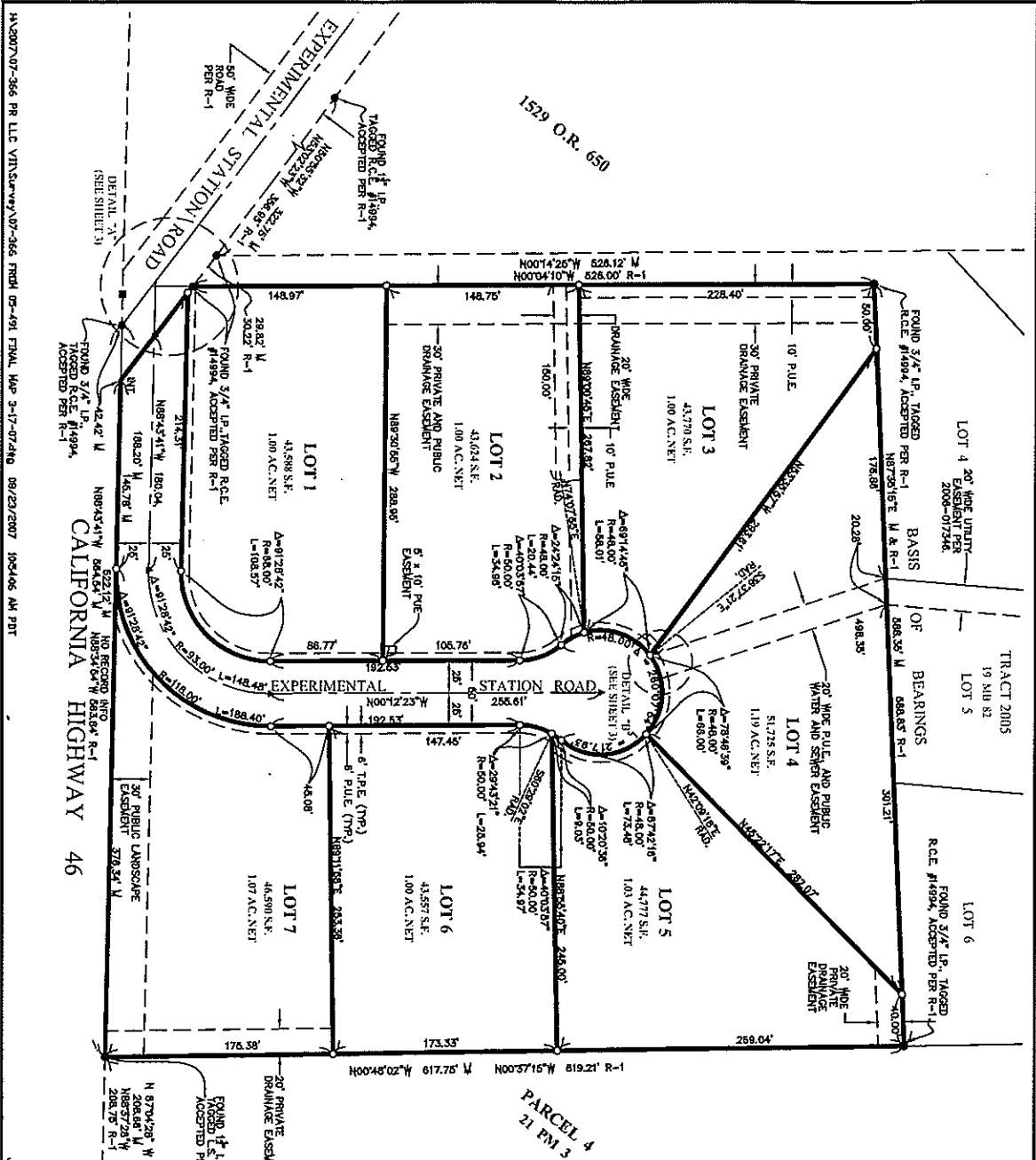
DENNIS FANISER, CITY CLERK _____

RECORDER'S CERTIFICATE

FILED THIS _____ DAY OF _____, 2007
AT _____ IN BOOK _____ OF MAPS.
ON PAGE _____ AT THE REQUEST OF ALBERT DAN KING
DOCUMENT NO. _____
FEE \$ _____
Julie L. Roderoyd
COUNTY RECORDER



EMK & Associates, Inc.
ENGINEERING • PLANNING • SURVEYING
106 RALPH RD. ST. PASO ROBLES, CA 95326-4427



PARCEL 4
TRACT 2782

WINDMILL RANCH
TRACT 2782

BEING A LOT RESUBDIVISION
 OF PARCEL 2 OF PARCEL MAP NO. CO-75-89
 IN THE CITY OF EL PASO DE ROBLES,
 COUNTY OF SAN LUIS OBISPO,
 STATE OF CALIFORNIA,
 ACCORDING TO MAP
 RECORDED DECEMBER 24, 1975
 IN BOOK 18, PAGE 64 OF
 PARCEL MAPS IN THE OFFICE OF THE
 RECORDER OF SAID COUNTY.

THE CITY OF PASO ROBLES,
 SAN LUIS OBISPO COUNTY, CALIFORNIA

EMK & Associates, Inc.
 ENGINEERING • PLANNING • SURVEYING
 1000 PALMWOOD ST. PASO ROBLES, CA. (805)235-4427

LEGEND:

- FOUND MONUMENT AS NOTED
- SET 1/2" BEARS WITH 1/4" L.S. #5146
- FOUND 6" x 6" CONCRETE HIGHWAY MONUMENT PER R-1
- M MEASURED
- R-1 RECORD APPROVAL PER 18 P.L. 04
- P.U.E. PUBLIC UTILITY EASEMENT
- T.P.E. TREE PLANTING EASEMENT
- L 90° ANGLE
- ▲ SET STATIONED CITY MONUMENT IN E OF EXPERIMENTAL STATION COUNT
- INT. INTERSECTION
- LP. IRON PIPE

GRAPHIC SCALE
 1 inch = 50 ft.

BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS MAP IS N67°30'10" BEING THE NORTH LINE OF PARCEL 2 PER MONUMENTS AS SHOWN HEREON.

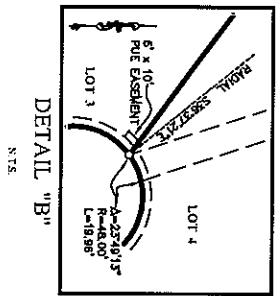
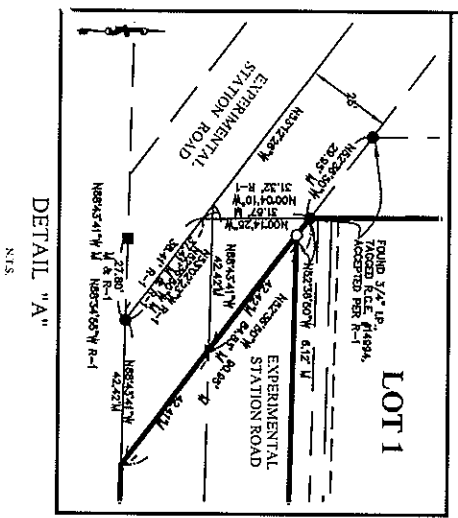
JOB NO. 07-356
SHEET 2 OF 3 SHEETS

HA2007-07-366 PR. LLC VNS154-07-366 PROJ. 05-491 FINAL MAP 3-17-07-240 09/23/2007 105406 AH PRT

18

FIRST AMERICAN TITLE #4001-2093749 L

DETAIL SHEET



WINDMILL RANCH TRACT 2782

BEING A 7 LOT RESUBDIVISION OF PARCEL 2 OF PARCEL MAP NO. CO-75-89 IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED DECEMBER 24, 1975 IN BOOK 18, PAGE 84 OF PARCEL MAPS IN THE OFFICE OF THE RECORDER OF SAID COUNTY, THE CITY OF PASO ROBLES, SAN LUIS OBISPO COUNTY, CALIFORNIA



EMK & Associates, Inc.
ENGINEERING & PLANNING SURVEYING
1009 TOWNSEND ST., PASO ROBLES, CA. (805)233-0427

H:\2007\07-386 PR LLC VLN\SURV\07-386 FROM 05-491 FINAL MAP 3-17-07.dwg 08/23/2007 10:54:06 AM DDT JOB NO. 07-386 SHEET 3 OF 3 SHEETS FIRST AMERICAN TITLE #1001-2093749 LI

RESOLUTION NO. 07-xxx

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 2782 (PASO ROBLES VII, LLC)

WHEREAS, the Developer has met all conditions of the tentative map, has posted 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 2782, 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 securities posted to guarantee the installation of the public improvements.

SECTION 3. That the City Council of the City of Paso Robles accept the offer of dedication for Experimental Station Road, landscape, water and sewer, 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 4th day of September 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

RESOLUTION NO. 07-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ANNEXING LOTS 1 THROUGH 7 OF TRACT 2782 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 7 of Tract 2782 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 Paso Robles VII, LLC.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessments for Lots 1 through 7 of Tract 2782 shall begin with Fiscal Year 2007-2008.

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. 05-032 to the Paso Robles Community Facilities District No. 2005-1.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4th day of September, 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

EXHIBIT A

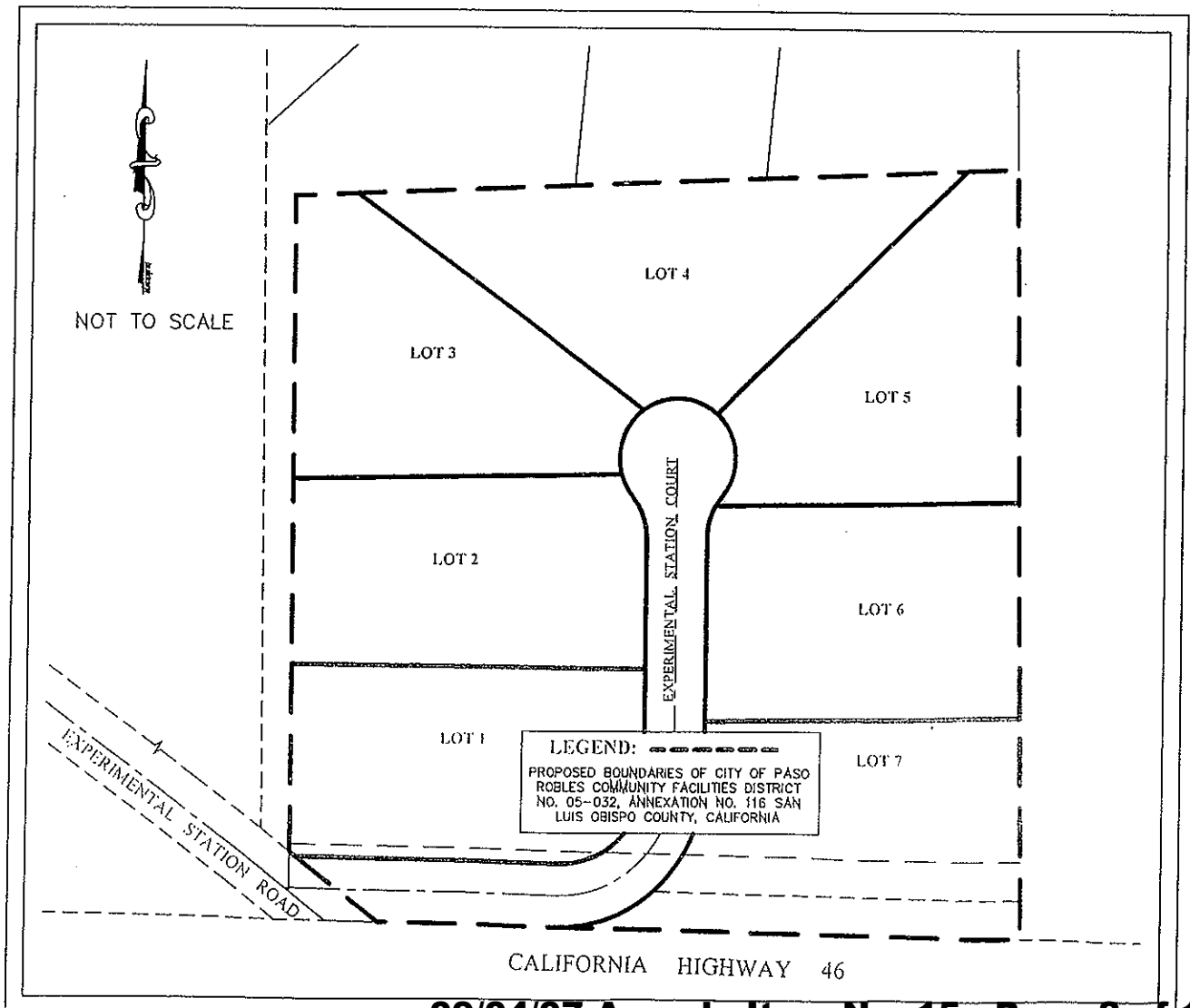
CONSENT AND ELECTION TO ANNEX REAL PROPERTY TO AN EXISTING COMMUNITY FACILITIES DISTRICT

CITY OF PASO ROBLES
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SERVICES)

ANNEXTION NO. 05-032

PARCELS 1 THROUGH 7 OF TRACT NO. 2782 OF THE CITY OF EL PASO DE ROBLES, IN THE
CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA ACCORDING
TO MAP RECORDED _____ IN BOOK _____, PAGE _____ OF MAPS.

NAMES OF THE OWNERS OF THE ANNEXED PROPERTY:
PASO ROBLES VII, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY,
BY: TRIUMPH COMPANIES, INC., ITS MANAGER, JOHN GATES, PRESIDENT



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. 07-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ANNEXING TR 2782 (PASO ROBLES VII, LLC) AS PART OF SUBAREA 116
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 of TR 2782 (Paso Robles VII, LLC) 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 TR 2782 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, Paso Robles VII, LLC.

SECTION 3. That the City Council for the City of Paso Robles does hereby declare that the assessment for TR 2782 shall begin with Fiscal Year 2008-2009.

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 116.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4th day of September 2007 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

EXHIBIT A

IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, PARCEL 2 OF PARCEL MAP CO 75-89 AS RECORDED IN BOOK 18 OF PARCEL MAPS, AT PAGE 84 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 7 OF TRACT 2782 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.