RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
CITY ENGINEER
COMMUNITY DEVELOPMENT DEPT.
CITY OF EL PASO DE ROBLES
1000 SPRING STREET
PASO ROBLES, CA 93446

RESOLUTION NO. 08-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES VACATING A PORTION OF DRY CREEK ROAD (MONDO ETAL)

WHEREAS, the Planning Commission at their meeting of October 10, 2006, found the abandonment of Dry Creek Road as shown on Tentative Tract Map 2772, consistent with the General Plan and recommended approval of the request; and

WHEREAS, the subject portion of Dry Creek Road was dedicated on Parcel Map PR 04-078 in September, 2005; and

WHEREAS, the area of abandonment will be superseded by the development of Tract 2772; and

WHEREAS, no public money has been expended for maintenance of the portion of Dry Creek Road considered for abandonment; and

WHEREAS, pursuant to Streets and Highways Code 8331, this portion of Dry Creek Road may be considered for summary vacation; and

WHEREAS, based on the staff report, staff presentation and having heard all evidence offered by any person interested in the proposed vacation, the City Council of the City of El Paso de Robles finds that the portion of Dry Creek Road as shown on the map for Tract 2772-1 and described in Exhibit "A" attached to this Resolution, is unnecessary for present or prospective public use.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF EL PASO de ROBLES AS FOLLOWS:

- 1. The subject portion of Dry Creek Road, as herein before described be vacated for public purposes as shown on Exhibit "A".
- 2. That the City Clerk of the City of El Paso de Robles is authorized to cause a certified copy of this Resolution to be recorded in the office of the County Clerk Recorder, County of San Luis Obispo, State of California.
- 3. The above Recitals are incorporated into this Resolution.

PASSED AND ADOPTED by the City Co September, 2008 by the following vote:	ouncil of the City of El Paso de Robles this 2 nd day of
AYES: NOES: ABSTAIN: ABSENT:	
	Frank R. Mecham, Mayor
ATTEST:	
Deborah D. Robinson, Deputy City Clerk	

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE OWNERS OF (AND ALL RECORDAGEDERS OF SCROTHY UNEREST IN), AND ALL PARTIES HAWIG ANY RECORD TITE 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 SEWER MAD WATER EAST-MENTS SO DESIGNATED ON THIS MAP. WE ALSO HEREBY DEDICATE TO THE PUBLIC THE EAST-MENTS FOR THEE PLANTING PURPOSES SO DESIGNATED ON THIS MAP AND ALL USES INCIDENT THERETO.

WE HERBY RESERVE TO OURSELVES, OUR HEIRS, AND ASSIONS CERTAIN PRIVATE CACES, PRAINAGE, LANDSCAPING AND OPEN SPACE EASEMENTS FOR THE USE AND BENEFIT OF THE PRESENT OR FUTURE OWNERS OF THE LOTS AFFECTED BY SUCH EASEMENTS ON SAID MAP.

WE HEREBY RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS FOR THE USE AND BENETI OF THE SEVERAL PUBLIC UTULITY COMPANIES WHICH ARE AUTHORIZED TO SERVE IN SABIO SUBBINASION, EASEMENTS FOR FUBLIC UTULITY PURPOSES DELINEATED ON SABIOMPA AS FUBLIC UTULITY PULLEY.

BY: HOGUE BROTHERS, INC., A CALIFORNIA CORPORATION

BY; PRINTED NAME AND TITE ä

BY: AIRPORT ROAD BUSINESS PARK, LP, A CALIFORNIA LIMITED PARTNERSHIP Ä

BY: PRINTED NAME AND TITLE

DRY CREEK PARTNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY Ä

BY: PRINTED NAME AND TITLE

ACKNOWLEDGMENT
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I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THE THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

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WHOSE DIAGONAL PROBLEMENT AND ACKNOMEDGED TO ME THE PERSONALS) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOMEDGED TO ME THAT HE/SHE/THEF SCREVIDE THE SAME IN HIS/HER/THER CAPACITY(ES). AND THAT BY HIS/HER/THER SIGNANTIAR(S) ON THE INSTRUMENT THE PERSON(S) ON THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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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 NO THE LAD ON THE LAD HE MAD OF TRACT 2772—1 SHOWN HEREGY, AND ACCEPTED N. BEHALF OF THE PUBLIC THE RENIFFOR-OF-MENDER OF DEDICATION THE TENNS OF OFFERS OF DEDICATION BY THE PARTIES HAWING A RECORD THE ITENNS OF OFFERS OF DEDICATION BY THE PARTIES HAWING A RECORD THE ITENNS OF OFFERS OF DEDICATION OF THE BOX COUNCING TO ROBOTE HE ADAMONIUMENT OF THAT AND THE CANDIAN OF THE SAID COUNTY ROBO ESSUENT AS DELIKEATED ON SAID MAP, AND THE SSAIN IS HEREBY ADAMONED IN ACCORDANCE WITH COVERNIAGE ESSENDIA.

DAY OF WITNESS MY HAND AND SEAL THIS DENNIS FANSLER, CITY CLERK

2008

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 LOCAL ORDINARICS AT THE REQUIST OF JOHN MICCARTHY IN MAY OF 2007. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALTY CORFORMS TO THE COMPITIONALLY PROPRIORD TENTIVE MAP AND THAT ALL THE MONUMENTS SHOWN HEREBY ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR WILL BE SET IN SUICH FORSITIONS WITHIN ONE TEXAR OF THE APPROVAL OF THIS MAP AND ARE SUFFICIENT TO RANGE THE SURVEY TO BE RETTAACED.

DATE L.S. 5812 Exe. 6/30/08 JOHN R. SANDERS

DO: 6/30/08 LAND 282

CITY ENGINEER'S STATEMENT

I HERBOS STATE THAT I HAVE EXAMINED THE AND EXD MAD ENTITIED TRACT 2772—1, THAT THE SUBDIVISION AS SHOWN HERBON IS SUBSTANTALLY THE SAME AS IT THAT THE SUBDIVISION AND THE TRAVIANCE MAY IF REQUIRED. AND ANY APPROVED ALTERATIONS THEREOF AND THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND OF ANY LOCAL, ORDINANCES APPLICABLE, AT THE THAT STATE APPROVAL, OF THE THAT THE MAP HAVE BEED COMPLED WITH AND THAT I AM SATISFED THAT THIS MAP IS TICHINICALLY COMPLET.

JOHN R. FALKENSTIEN CITY ENGINEER CITY OF PASO ROBLES R.C.E. C33760 (EXP. 6/30/08)

DATE

PLANNING COMMISSION STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISTICD THAT THE MAP CANDETIANS WITH THE ACTION TAKEN BY THE CITY OF EL PASO DE ROBLES FOR THACT 2772—1 ON OCTOBER 10, 2006.

DATE RONALD WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

RECORDER'S STATEMENT

AT THE REQUEST OF JOHN R. SANDERS. W. N BOOK. 2008, AT_ ь, Š OF MAPS AT PAGES DOCUMENT NO. FLED THIS

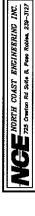
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DEPUTY RECORDER

2772-1 TRACT

N THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA BEN A SUBDIVISION OF PARCELS 1 AND 2 OF PARCEL MAPS, AT PAGES 96-98 IN THE OFFICE OF THE COUNTY RECORDER OF SAND COUNTY



DO NUMBER: 08157 DO NUMBER: 08157 DANNEN COAST BHOMEDRING INC. copyright to 2008

UNITED GENERAL TITE COMPANY, A CALIFORNIA CORPORATION, TRUSTE UNDER A DEED OF TRUST RECORDED JULY 17, 2007 AS INSTRUMENT NO. 2007–048084 OF OFFICIAL RECORDS.

BY: PRINTED NAME

ACKNOWLEDGMENT

. S.S. STATE OF CALIFORNIA COUNTY OF

AN NOTARY PUBLIC, PERSONALT APPENDENCE TO BE THE PERSONALS) WHO PROVED TO ME ON THE BASS OF SATIFFACTORY EVIDENCE TO BE THE PERSONALS) WHOSE NAME(S) IS,ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOMEDGED TO ME THAT HE/SHC/THEY EXCURED THE SAME IN HIS/HER/THER CAVACATIVE(S), AND THAT BY HIS/HER/THEIR SIGNALTIVE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BENALF OF WHICH THE PERSON(S) ACTED, DECUTED THE INSTRUMENT.

CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

NOTARY COMMISSION NUMBER NOTARY EXPIRES NAME PRINTED క NOTARY SIGNATURE COUNTY OF

SIGNATURE OMISSIONS

PURSUANT TO SECTION 66435, SUBSECTION (0–3–4–1) OF THE CALIFORNIA SUBDIVISION MAP $K_{\rm T}$, THE SIGNATURES OF THE POLLOMING EASEMENT HOLDERS HAVE BEEN OMITED, AS THERE NITEREST CANNOT RIPEN IN A FEE TITLE & SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY.

PACETC TELEPHONE & LEGRAM WHICH IS AUTHORIZED TO SERVE IN THE COUNTY OF SAN LUIS OBISEO AS EASEMENT HOLDERS PER THE DOCUMENTS RECORDED AUGUST 9, 1987 IN 1985/08/170, AND APRIL 7, 1987 IN 1430/08/7742.

TRUSTEE'S STATEMENT

PACIFIC COAST NATIONAL BANK, TRUSTEE UNDER A DEED OF TRUST RECORDED APRIL 29, 2008 AS INSTRUMENT NO. 2008-022117 OF OFFICIAL RECORDS.

III. BY: PRINTED NAME

ACKNOWLEDGMENT

STATE OF CALIFORNIA COUNTY OF

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ON A NOTARY PUBLIC, PERSONALT APPERATOR TO BE THE PERSON(S) WHOSE 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 ACKNOMEDGED TO ME THAT HE/SHC/THEY EXCENTED THE SAME IN HS/AREX/THER CAPACITY(IES), AND THAT BY HIS/AREX/THER SIGNANTRE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

NOTARY COMMISSION NUMBER CA. NOTARY EXPIRES NAME PRINTED NOTARY SIGNATURE COUNTY OF

UNPLOTTABLE EASEMENTS

THERE ARE CERTAIN UNPLOTTABLE EASEMENTS AFFECTING THIS PROPERTY.

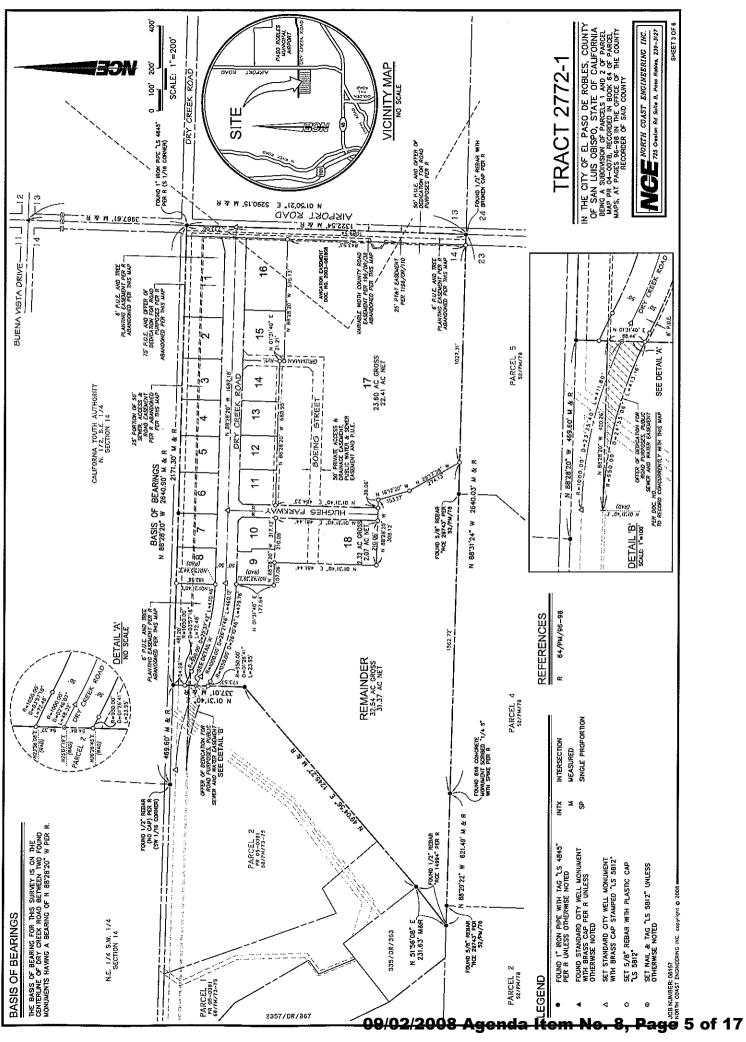
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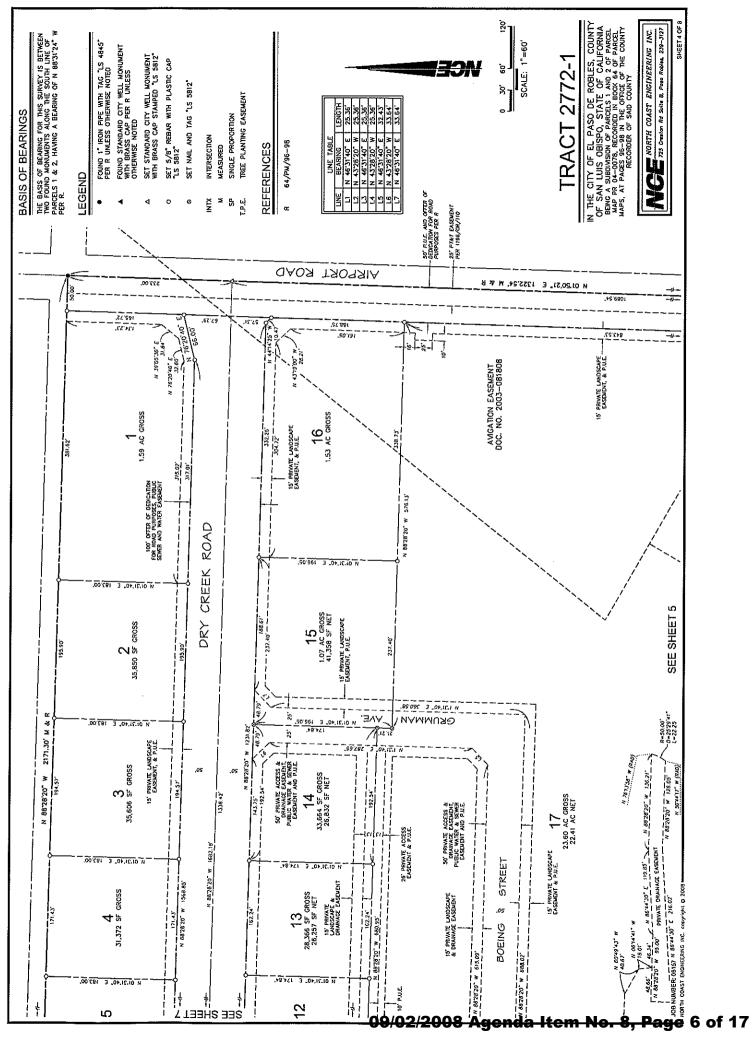
TRACT 2772-1

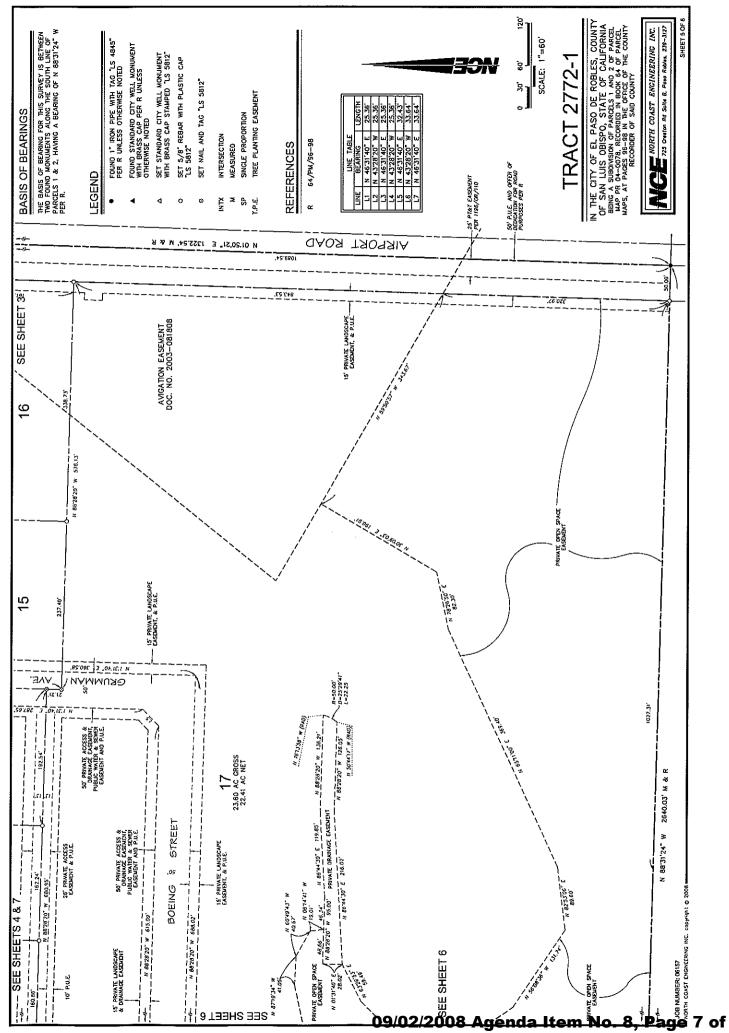
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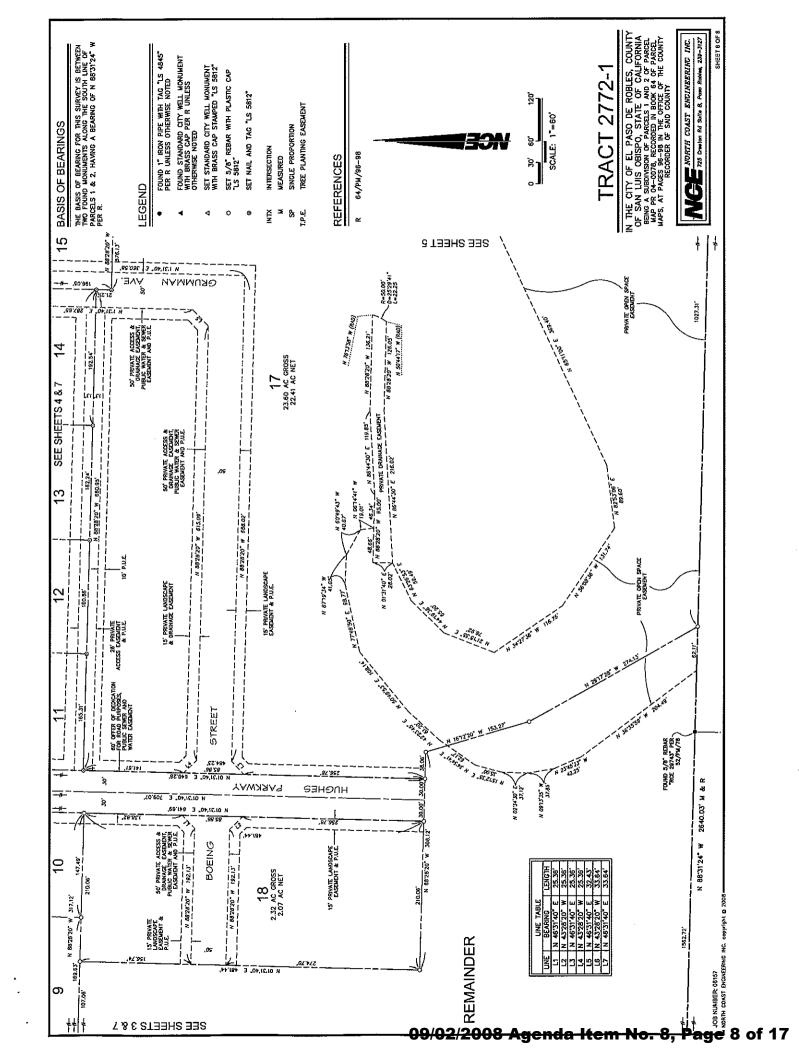


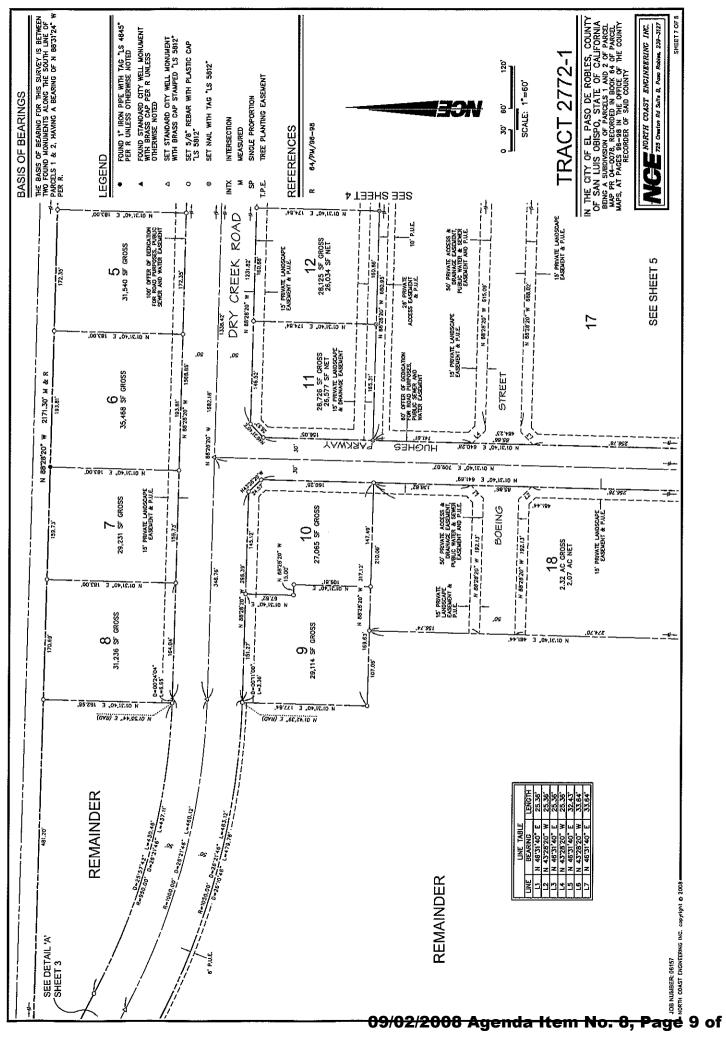
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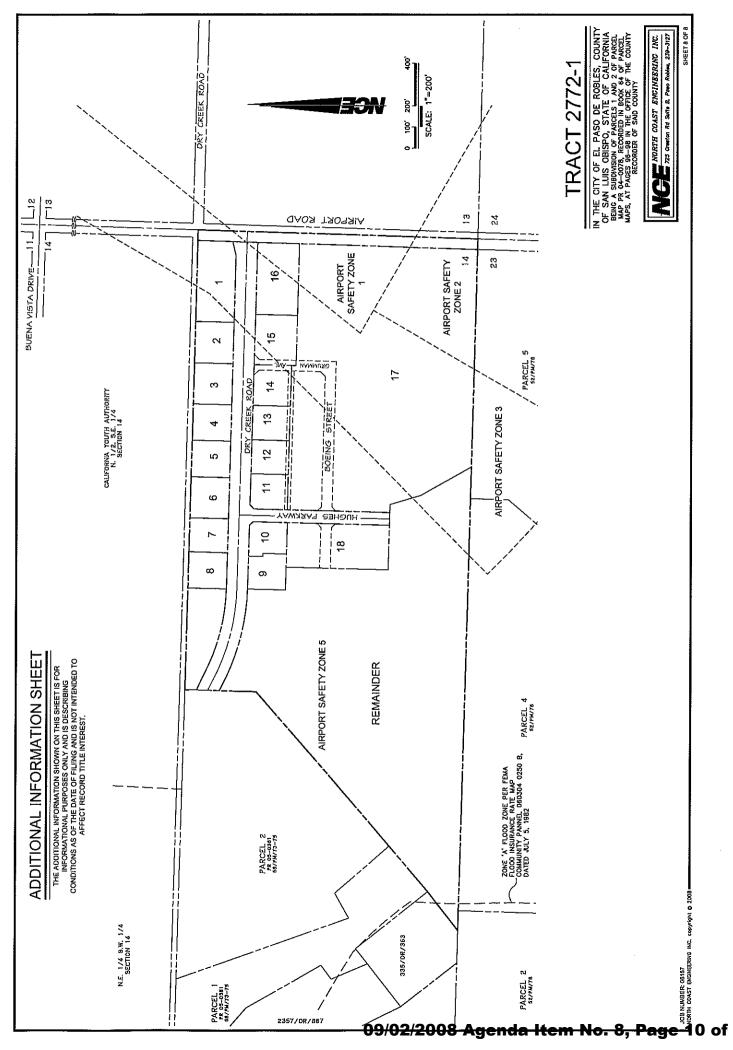












RESOLUTION NO. 08-

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 2772-1 (MONDO ETAL)

WHEREAS, at their meeting of October 10, 2006, the Planning Commission approved Tentative Tract 2772. Phase I of Tract 2772 is a subdivision of 43.83 acres into 17 commercial-industrial lots along with an additional 32.5-acre remainder parcel.

WHEREAS, the subdividers have 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:

.

<u>SECTION 1.</u> That the City Council of the City of Paso Robles does hereby approve the final map for Tract 2772-1, and authorize the execution and recordation of the tract map.

<u>SECTION 2.</u> 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.

<u>SECTION 3.</u> That the City Council of the City of Paso Robles accept the offers of dedication for all streets and sewer, water and public utility easements as shown on the final map.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 2nd day of September 2008 by the following vote:

AYES: NOES: ABSTAIN: ABSENT:	
ATTEST:	Frank R. Mecham, Mayor
Deborah D. Robinson, Deputy City Clerk	

TO: James L. App, City Manager

FROM: Ronald Whisenand, Community Development Director

SUBJECT: Approval of Final Map of Tract 2772-1, (Mondo et al) for Recordation and

Execution of Subdivision Improvement Agreement

DATE: September 2, 2008

Needs: That the City Council take a series of steps toward recordation of the Final Tract

Map for Tract 2772-1, a commercial-industrial subdivision.

1. The applicants, Hogue Brothers, Airport Road Business Park and Dry Creek Partners, have requested that Tract 2772-1 be authorized by the City for recordation. Tract 2772-1 is a subdivision of 43.83 acres into 17 lots. It also creates a 32.5-acre remainder parcel. Tract 2772-1 provides for the westerly extension of Dry Creek Road (see Vicinity/Reduction tract map, Attachment 1).

- 2. Tract 2772-1 is designed to realign Dry Creek Road to the south so that the State Prison will no longer have frontage. The original right-of-way of Dry Creek Road is proposed to be abandoned through the summary process by separate resolution.
- 3. In order to transition Dry Creek Road back to its current alignment west of Tract 2772-1 a fragment of right-of-way is dedicated to the City. This right-of-way will be accepted by a separate resolution.
- 4. 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.
- 5. All of Tract 2772-1 will be annexed into the Landscape and Lighting District.

Analysis and Conclusion:

Facts:

Tract 2772-1 was approved by the Planning Commission on October 10, 2006. 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

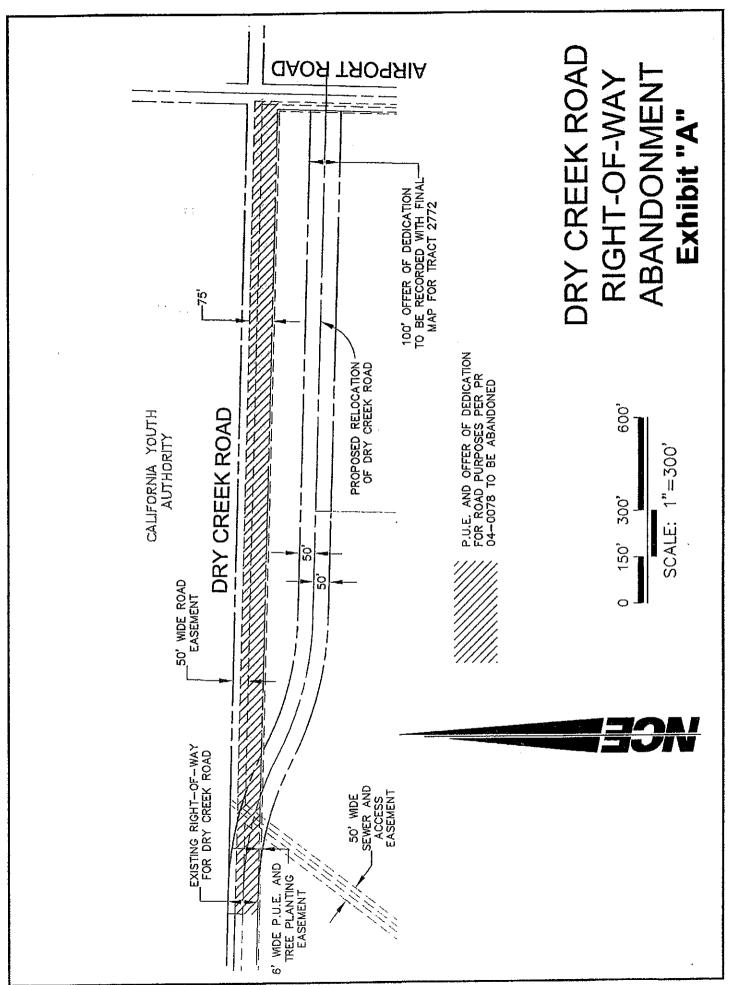
Impact: None.

Options: That the City Council accept the subject map and agreement by taking the following actions:

- **a.** Adopt Resolution No. 08-xxx authorizing the recordation of Tract 2778-1, a 17-lot subdivision located on Dry Creek Road west of Airport Road, and authorizing the Mayor to execute the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements with an established deadline of September 2, 2009 to complete these improvements; and
- **b.** Adopt Resolution No. 08-xxx abandoning a portion of the original alignment of Dry Creek Road; and
- **c.** Adopt Resolution No. 08-xxx accepting an offer of dedication of public right-of-way for the westerly extension of Dry Creek Road.
- **d.** Amend, modify or reject the above option.

Attachments: (6)

- 1) Vicinity/Reduced size tract map
- 2) Resolution Final Map
- 3) Resolution of Abandonment
- 4) Abandonment Exhibit
- 5) Resolution to Accept Offer of Dedication
- 6) Exhibit A of Offer of Dedication



RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES ACCEPTING AN IRREVOCABLE AND PERPETUAL OFFER OF DEDICATION FOR ROAD PURPOSES ON DRY CREEK ROAD (TRACT 2772-1, MONDO ETAL)

WHEREAS, the City has received an Irrevocable and Perpetual Offer of Dedication from Dry Creek Partners, LLC for public road purposes on Dry Creek Road west of the boundary of Tract 2772-1; and

WHEREAS, street improvements will be constructed in accordance with the improvement plans and subdivision agreement for Tract 2772-1; and

WHEREAS, the Irrevocable and Perpetual Offer of Dedication provided by Dry Creek Partners, LLC meets the conditions of approval for Tract 2772-1 as set by Resolution 06-0085 of the City Planning Commission, adopted on their meeting of October 10, 2006.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

<u>SECTION 1.</u> That the City Council accept the Irrevocable and Perpetual Offer of Dedication for public road purposes provided by Dry Creek Partners, LLC located along Dry Creek Road west of Tract 2772-1 and authorize its execution and recordation.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 2^{nd} day of September, 2008 by the following vote:

AYES:		
NOES:		
ABSTAIN:		
ABSENT:		
	Frank D. Macham, Mayor	
	Frank R. Mecham, Mayor	
A TTTTCT.		
ATTEST:		
Deborah D. Robinson, Deputy City Clerk		

EXHIBIT A

Being a portion of Parcel 2 of Parcel Map PR 05-0381, in the City of Paso Robles, County of San Luis Obispo, State of California, according to the map recorded April 20, 2007 in Book 68. of Parcel Maps, at Pages 73-75 in the office of the County Recorder of said County, and more particularly described as follows:

COMMENCING at the northeast corner of said Parcel 2;

thence South 01°31'40" East, 75.00 feet along the east line of said Parcel 2 to a point on the south line of the 75.00 foot easement for road purposes and p.u.e. per said Parcel Map PR 05-0381 and the POINT OF BEGINNING;

thence South 01°31'40" East, 88.44 feet along said east line to the beginning of a nontangent curve concave to the southwest, having a radius of 950.00 feet, and a radial bearing to said point of North 26°26'45 East; thence northwesterly 413.16 feet along said curve through a central angle of 24355'06" to a point on said south line of the 75.00 foot easement;

Thence South 88°28'20" East, 400.26 feet along said south line of the 75.00 foot easement to the POINT OF BEGINNING and containing 11,570 square feet, more or less.

See attached Exhibit B made a part hereof.

John R. Sanders

P.L.S. 5812

Exp. 6/30/10

