

TO: James L. App, City Manager
FROM: Ronald Whisenand, Community Development Director
SUBJECT: Annexation of Tract 2778-2 into the Landscape and Lighting Maintenance District (Erskine)
DATE: November 18, 2008

Needs: That the City Council annex commercial-industrial Tract 2778-2 into the Landscape and Lighting District in association with recordation of the Final Map.

Facts:

1. The applicants, Ranch and Coast Properties, Inc. have requested the City Engineer to initiate proceedings for annexation of Tract 2778-2 into the Landscape and Lighting District in accordance with their conditions of approval for recordation.
2. Tract 2778-2 is an 11-lot subdivision of a 28-acre site, located on the east end of Wisteria Lane (see Vicinity/Reduction tract map, Attachment 1).
3. At its meeting of September 16, 2008, the City Council initiated proceedings for annexation of Tract 2778-2 to the Landscape and Lighting District and declared their intent to conduct protest balloting.
4. The applicants have acknowledged a ballot in favor of annexation into the Landscape and Lighting District.

**Analysis
and**

Conclusion: Tract 2778 was originally approved by the Planning Commission on April 25, 2006. Annexation to the Landscape and Lighting District for maintenance of parkway landscaping and street lights is a condition of approval of this subdivision.

Policy

Reference: General Plan
California Government Code Section 66462 ("Subdivision Map Act")

Fiscal

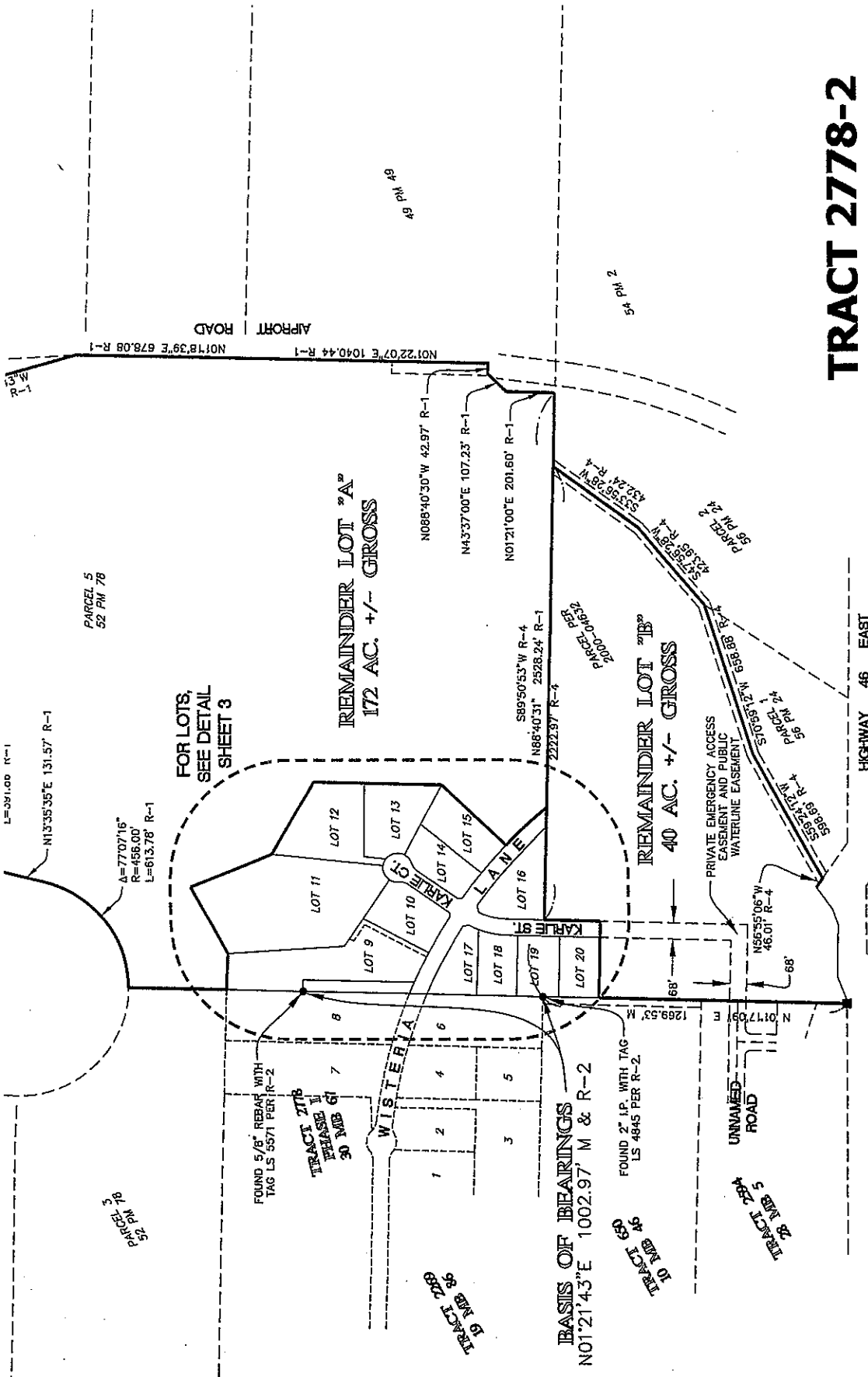
Impact: None

Options: That the City Council take the following actions towards annexation of Tract 2778-2 into the Landscape and Lighting Maintenance District:

- a. **(1)** Adopt Resolution No. 08-xxx declaring the results of the property owner protest ballot proceedings conducted for the proposed levy of assessments related to the annexation of Tract 2778-2, as Sub-Area 37 of the Paso Robles Landscaping and Lighting Maintenance District No. 1, commencing in fiscal year 2009/2010; and
 - (2)** Adopt Resolution No. 08-xxx approving and adopting the Engineer's Report regarding the annexation of Tract 2778-2, as Sub-Area 37 of the Paso Robles Landscape and Lighting Maintenance District; and the levy and collection of annual assessments related thereto commencing in fiscal year 2009/2010; and
 - (3)** Adopt Resolution No. 08-xxx confirming the annexation of Tract 2778-2 as Sub-Area 37 of the Paso Robles Landscaping and Lighting Maintenance District No. 1 and the assessment diagram connected therewith; and ordering the levy and collection of assessments for fiscal year 2009/2010.
- b. Amend, modify or reject the above option.

Attachments: (4)

- 1) Vicinity/Reduced size tract map
- 2) Resolution declaration ballot results
- 3) Resolution approving engineer's report
- 4) Resolution confirming annexation



TRACT 2778-2 OVERALL BOUNDARY MAP

FOR LOTS,
SEE DETAIL
SHEET 3

REMAINDER LOT "A"
172 AC. +/- GROSS

REMAINDER LOT "B"
40 AC. +/- GROSS

BASIS OF BEARINGS
N01°21'43"E 1002.97' M & R-2

FOUND 5/8" REBAR WITH
TAG LS 5571 PER R-2

FOUND 2" I.P. WITH TAG
LS 4845 PER R-2

TRACT 278
30 MB 61 7

TRACT 278
19 MB 86

TRACT 278
16 MB 86

TRACT 278
5 MB 86

L=361.00 R-1
N13°35'35"E 131.57' R-1
A=7707.16'
R=456.00'
L=613.78' R-1

N01°18'39"E 678.08 R-1
N01°22'07"E 1040.44 R-1
N088°40'30"W 42.97' R-1
N43°37'00"E 107.23' R-1
N01°21'00"E 201.60' R-1

S89°50'53"W R-4
N88°40'31" 2528.24' R-1
2222.87' R-4

S70°56'12"E 111.12' R-4
S70°56'12"E 111.12' R-4
S70°56'12"E 111.12' R-4

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S70°56'12"E 111.12' R-4
S70°56'12"E 111.12' R-4

PRIVATE EMERGENCY ACCESS
EASEMENT AND PUBLIC
WATERLINE EASEMENT

HIGHWAY 46 EAST

UNION ROAD

UNNAMED ROAD

PARCEL 5
52 PM 78

SA PM 2

SA PM 48

PARCEL 2
58 PM 24

PARCEL 1
58 PM 24

PARCEL 3
58 PM 24

PARCEL 4
58 PM 24

PARCEL 5
58 PM 24

PARCEL 6
58 PM 24

PARCEL 7
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PARCEL 8
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PARCEL 9
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PARCEL 10
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PARCEL 11
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PARCEL 12
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PARCEL 13
58 PM 24

PARCEL 14
58 PM 24

PARCEL 15
58 PM 24

PARCEL 16
58 PM 24

PARCEL 17
58 PM 24

PARCEL 18
58 PM 24

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.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA, DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDINGS CONDUCTED FOR THE PROPOSED LEVY OF ASSESSMENTS RELATED TO THE ANNEXATION OF TRACT 2778 PHASE II, TO SUB-AREA 37 OF THE PASO ROBLES LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1, COMMENCING IN FISCAL YEAR 2009/2010

WHEREAS, the City Council of the City of Paso Robles (the "City") pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "Act"), did by previous resolutions, initiate proceedings for the annexation of Tract 2778 Phase II (hereinafter referred to as the "Annexation Territory") to Sub-Area 37 of the Paso Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as the "District"), and declared its intention to conduct a protest balloting for the levy of new assessments within the Annexation Territory commencing in Fiscal Year 2009/2010 for the special benefits received by properties therein from the improvements related thereto; and,

WHEREAS, in accordance with the provisions of the California Constitution, Article XIID, the City Council has caused and conducted a property owner protest ballot proceeding for the proposed new assessments to be levied on properties within the Annexation Territory; and,

WHEREAS, the assessments presented to each property owner of record within the Annexation Territory reflects each property's proportional special benefit and financial obligation for the costs and expenses related to the maintenance, servicing and operation of local landscaping and lighting improvements therein as authorized by the Act and the provisions of the California Constitution The ballots presented clearly identified the total amount balloted to all properties, the proposed assessment rate, the property's proportional annual amount commencing with Fiscal Year 2009/2010 and the inflationary adjustment applicable to future assessments; and,

WHEREAS, upon the close of the Public Hearing held on November 18, 2008 the protest ballots returned by the landowners of record within the Annexation Territory, were opened and tabulated, the results of which are illustrated below:

Yes: _____

No: _____

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

- Section 1. Recitals: The above recitals are true and correct.
- Section 2. The protest proceedings were conducted with the notices and ballots of the proposed new assessments presented to the qualified property owners within the Annexation Territory as required by law, with a required receipt of the returned ballots to the City Clerk prior to the close of the Public Hearing on November 18, 2008.
- Section 3. The canvass of the protest ballots cast for the proposed District and received prior to the close of the public hearing, weighted according to the proportional financial obligation of the affected properties is hereby approved and confirmed.
- Section 4. The City Clerk is hereby directed to enter this Resolution on the minutes of this meeting, which shall constitute the official declaration of the result of such property owner protest ballot proceeding.
- Section 5. This Resolution shall become effective immediately upon its adoption.
- Section 6. The City Clerk shall certify the adoption of this Resolution.

BE IT FURTHER RESOLVED that the City Clerk of the City of Paso Robles cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 18th day of November, 2008 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

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.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO
ROBLES, CALIFORNIA, APPROVING AND ADOPTING THE
ENGINEER'S REPORT REGARDING THE ANNEXATION OF TRACT
2778 PHASE II, TO SUB-AREA 37 OF THE PASO ROBLES
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT; AND
THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS
RELATED THERETO COMMENCING IN FISCAL YEAR 2009/2010

WHEREAS, the City Council of the City of Paso Robles (the "City") pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Part 2, Division 15 of the California Streets and Highways Code, commencing with Section 22500 (hereafter referred to as the "Act"), did by previous resolutions, initiate proceedings for the annexation of Tract 2778 Phase II (hereinafter referred to as the "Annexation Territory") to Sub-Area 37 of the Paso Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as the "District"), and declared its intention to conduct a protest balloting for the levy of new assessments within the Annexation Territory commencing in Fiscal Year 2009/2010 for the special benefits received by properties therein for the annual operation, maintenance and servicing of landscaping and lighting improvements, and all appurtenant facilities related thereto in accordance with the provisions of the California Constitution Article XIIIID (the "Constitution"); and,

WHEREAS, an Engineer's Report has been prepared, filed and presented to the City Council in connection with the proceedings for the annexation of properties within the Annexation Territory and the annual levy of assessments related thereto commencing on Fiscal Year 2009/2010 as required by the Act and the Constitution; and,

WHEREAS, the City Council has duly held a public hearing regarding these matters and has conducted a property owner protest ballot proceeding for the proposed new assessments related thereto, the results of which have been presented and confirmed by this City Council; and,

WHEREAS, the City Council has examined and reviewed the Engineer's Report, considered all public testimony and written protests presented, and evaluated the results of the property owner protest ballot proceedings and has determine that majority protest of the proposed assessments did not exist.

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

- Section 1. Recitals: The above recitals are true and correct.
- Section 2. Based on testimony given, the results of the property owner protest ballot proceedings and the documents and discussion presented, the City Council has directed and confirmed any necessary modifications or amendments to the Engineer's Report previously presented and filed, and said modifications or amendments so reflected by the minutes of this meeting shall by reference be incorporated into the approved Engineer's Report.
- Section 3. The Engineer's Report, as approved consists of the following:
- 3a) A Description of the Improvements (Plans and Specifications);
 - 3b) The Method of Apportionment that details the method of calculating the proportional special benefits and the annual assessment obligation for each affected parcel including a description of an "Assessment Range Formula" applicable to subsequent assessments;
 - 3c) The estimated annual costs and expenses to provide the improvements (Budget) that establishes the proposed "Maximum Assessment Rate" and first year's assessments;
 - 3d) An Assessment Diagram (Boundary Map); and
 - 3e) An Assessment Roll containing the assessment to be levied for each Assessor Parcel Number within the Annexation Territory commencing in Fiscal Year 2009/2010 based on the maximum assessment rate and method of apportionment described therein.
- Section 4. The Engineer's Report and Assessment Diagram connected therewith as approved, shall constitute the territory and properties within the Annexation Territory, and confirm and establish the method of apportionment and the maximum assessment rate including the assessment range formula approved by the property owners of record in the ballot proceeding. Said assessments as described in the Engineer's Report as submitted or amended, including the assessment range formula described therein, are hereby confirmed and adopted by the City Council.
- Section 5. The Engineer's Report as presented or amended is ordered to be filed in the City Clerk's Department as a permanent record and to remain open to public inspection.
- Section 6. The City Clerk's Department shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of and final approval of the Engineer's Report.

BE IT FURTHER RESOLVED that the City Clerk of the City of Paso Robles cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of San Luis Obispo, State of California.

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1000 SPRING STREET
PASO ROBLES, CA 93446**

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA CONFIRMING THE ANNEXATION OF TRACT 2778 PHASE II, TO SUB-AREA 37 OF THE PASO ROBLES LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH; AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2009/2010

WHEREAS, the City Council of the City of Paso Robles (the "City") has by previous resolutions declared its intention and initiated proceedings for the annexation of Tract 2778 Phase II (hereinafter referred to as the "Annexation Territory") to Sub-Area 37 of the Paso Robles Landscape and Lighting Maintenance District No. 1 (hereafter referred to as the "District"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500 (the "Act") to pay for the operation, maintenance and servicing of landscaping and lighting improvements, and all appurtenant facilities related thereto; and,

WHEREAS, an Engineer's Report has been prepared, filed and presented to the City Council in connection with the proceedings for the annexation of properties within the Annexation Territory and the annual levy of assessments related thereto commencing on Fiscal Year 2009/2010 as required by the Act and the provisions of the California Constitution Article XIIIID (the "Constitution"), and the City Council did by previous Resolution adopt and approve said Engineer's Report; and,

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the Annexation Territory for the fiscal year commencing July 1, 2009 and ending June 30, 2010 (Fiscal Year 2009/2010), to pay the costs and expenses of the ongoing operation, maintenance, and servicing of improvements determined to be of special benefit to the properties and the development of properties within the Annexation Territory, and all appurtenant facilities related thereto; and,

WHEREAS, the City Council has conducted a property owner protest ballot proceeding pursuant to the provisions of the Constitution for the assessments proposed to be levied within the Annexation Territory commencing Fiscal Year 2009/2010 as described in the approved Engineer's Report, and the City Clerk and the City Council have confirmed that majority protest of the assessments did not exist.

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

Section 1. Recitals: The above recitals are true and correct.

Section 2. Following notice duly given, the City Council has held a full and fair public hearing regarding the annexation of the Annexation Territory to the District, the levy and

collection of assessments, and by Resolution approved the final Engineer's Report prepared in connection therewith; and has considered all oral and written statements, protests and communications made or filed by interested persons. The City Council in accordance with the requirements of the Constitution has determined that majority protest did not exist for the assessments proposed for the Annexation.

Sections 3. Based upon its review (and amendments, as applicable) of the Engineer's Report, which has been filed with the City Clerk, the City Council hereby finds and determines that:

- 3a) The land within the Annexation Territory will receive special benefit from the operation, maintenance and servicing of landscaping and lighting improvements, and all appurtenant facilities related thereto, to be provided by the District as described in the Engineer's Report.
- 3b) The Annexation Territory as defined by the Assessment Diagram includes all of the lands receiving such special benefit.
- 3c) The net amount to be assessed upon the lands within the Annexation Territory has been apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefit to be received by each parcel from the various improvements and services to be provided commencing with Fiscal Year 2009/2010.

Section 4. The City Council hereby orders the proposed improvements as described within the Engineer's Report to be made. The improvements so described generally include, but are not limited to, the maintenance, operation and servicing of the local landscaping and lighting improvements established or installed in connection with the development of properties within the Annexation Territory or directly associated with the properties within the Annexation Territory. The maintenance and servicing of the improvements may include, but are not limited to, landscaped medians, parkways, slopes, drainage facilities, open space or other public areas; and street lighting improvements which shall be maintained by the City for the special benefit of the properties therein.

Section 5. The maintenance, operation and servicing of improvements shall be performed pursuant to the Act, and for Fiscal Year 2009/2010, the County Auditor of San Luis Obispo shall enter on the County Assessment Roll opposite each parcel of land the amount of levy so described in the approved Engineer's Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

Section 6. The adoption of this Resolution constitutes the annexation of the Annexation Territory to the District, the boundaries of which are contained in the Assessment Diagram; the establishment of the maximum assessment rate and assessment range formula connected therewith; and the assessments for the fiscal year commencing July 1, 2009 and ending June 30, 2010, as described in the Engineer's Report and adopted by the City Council.

Section 7. The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the City Council's approval of the annexation of the Annexation Territory to the District; the adoption and confirmation of the Assessment Diagram; and the establishment of the maximum assessment rate(s), assessment range formula and the assessments for Fiscal Year 2009/2010 as described in the Engineer's Report.

Section 8. The City Clerk is hereby authorized and directed to file the levy of assessments for Fiscal Year 2009/2010 as approved, with the County Auditor of San Luis Obispo upon adoption of this Resolution.

BE IT FURTHER RESOLVED that the City Clerk of the City of Paso Robles cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 18th day of November, 2008 by the following vote:

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