

TO: James L. App, City Manager
FROM: Ronald Whisenand, Community Development Director
SUBJECT: Annexation of Tract 3016 into the Landscape and Lighting Maintenance District (Regency Centers)
DATE: October 6, 2009

Needs: That the City Council annex commercial Tract 3016 into the Landscape and Lighting District in association with recordation of Final Maps.

- Facts:**
1. The applicants, Regency Centers have requested the City Engineer to initiate proceedings for annexation of Tract 3016 into the Landscape and Lighting District in accordance with their conditions of approval for recordation.
 2. Tract 3016 is an 11-lot subdivision of a 26.04-acre site, located at the southwest corner of Dallons Drive and Golden Hill Road (see Vicinity/Reduction tract map, Attachment 1).
 3. At its meeting of July 7, 2009, the City Council initiated proceedings for annexation of Tract 3016 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 3016 was originally approved by the Planning Commission on August 12, 2008 and was accepted for recording by the Council on July 7, 2009. Annexation to the Landscape and Lighting District for maintenance of the traffic signal at the project entrance and the landscape buffer along Highway 46E is a condition of approval of Tract 3016.

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 3016 into the Landscape and Lighting Maintenance District:

- a. **(1)** Adopt Resolution No. 09-xxx declaring the results of the property owner protest ballot proceedings conducted for the proposed levy of assessments related to the annexation of Tract 3016, as Sub-Area 118 of the Paso Robles Landscaping and Lighting Maintenance District No. 1, commencing in fiscal year 2010/2011; and
 - (2)** Adopt Resolution No. 09-xxx approving and adopting the Engineer's Report regarding the annexation of Tract 3016, as Sub-Area 118 of the Paso Robles Landscape and Lighting Maintenance District; and the levy and collection of annual assessments related thereto commencing in fiscal year 2010/2011; and
 - (3)** Adopt Resolution No. 09-xxx confirming the annexation of Tract 3016 as Sub-Area 118 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 2010/2011.
- b. Amend, modify or reject the above option.

Attachments: (5)

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

OWNERS' 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 RECORDED TITLE 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 REDEDICATION OF THIS MAP.

WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE ADDITIONAL RIGHT OF WAY ALONG DALLONS ROAD AND GOLDEN HILL ROAD SHOWN ON THIS MAP, AND ALSO HEREBY DEDICATE THE PUBLIC LANDSCAPE EASEMENT SO DESIGNATED ON THIS MAP.

WE HEREBY RESERVE UNTO OURSELVES OUR HEIRS AND ESTATE THE USE AND BENEFIT OF THE PUBLIC LANDSCAPE EASEMENT SHOWN ON THIS MAP AS "PUBLIC UTILITY EASEMENT" OR "P.U.E."

BY: PASO GOLDEN HILL, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____

BY: _____

NOTARY ACKNOWLEDGMENTS:

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

ON _____, 200____, BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME TO BE 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/IT/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT HE/SHE/IT/HEY WERE FULLY ADVISED OF THE RIGHTS AND OBLIGATIONS OF THE INSTRUMENT, AND THAT WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND: _____ PRINCIPAL PLACE OF BUSINESS: _____ COUNTY: _____
PRINTED NAME: _____ MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENTS:

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

ON _____, 200____, BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME TO BE 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/IT/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND: _____ PRINCIPAL PLACE OF BUSINESS: _____ COUNTY: _____
PRINTED NAME: _____ MY COMMISSION EXPIRES: _____

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF PASO GOLDEN HILL, LLC, IN DECEMBER 2008. I HEREBY STATE THAT THIS PARCEL MAP, AND THE SUBDIVISION MAP THEREON, COMPLY WITH THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR ALSO STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR WILL BE SET WITHIN ONE YEAR OF THE DATE OF THIS MAP. THE MONUMENTS SHOWN HEREON ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

PRELIMINARY

D. IAN WILSON _____ DATE _____
L.S. 7010
LICENSE EXPIRES: 9-30-09



CITY ENGINEER'S STATEMENT:

I, HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED PARCEL MAP PD 06-025, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE SUBDIVISION MAP PD 06-025, AND THAT THE MONUMENTS AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

JOHN FALKENSTEIN _____ DATE _____
CITY ENGINEER
CITY OF PASO ROBLES
P.C.E. C53760 (Exp. 6/30/10)

RECORDER'S STATEMENT:

FILED THIS _____ DAY OF _____, 200____, AT _____ M.
IN BOOK _____ OF PARCEL MAPS, AT PAGE _____ AT THE REQUEST OF WRG DESIGN INC.

DOCUMENT NO. _____
FEE: _____
JULIE L. ROOSEWALD _____ DEPUTY RECORDER
COUNTY RECORDER

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 3016 ON AUGUST 12, 2009.

RONALD WISEMAND, COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

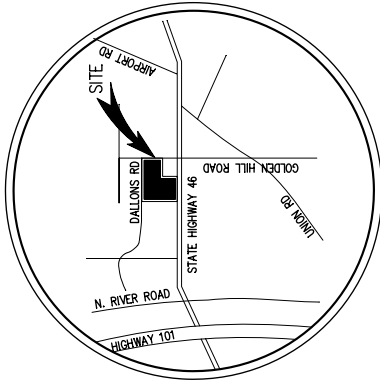
SIGNATURE OMISSIONS:

THE REINFORCEMENT OF ACCESS RIGHTS TO HIGHWAY 46 RECORDED FEBRUARY 17, 1984 IN BOOK 745, PAGE 569, ORIGINAL RECORDS OF THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA.

AN EASEMENT FOR ROAD PURPOSES IN FAVOR OF EDWARD H. BUENTE, DESIGNATED ON PARCEL MAP PD 06-025, ORIGINAL RECORDS OF THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA.

AN EASEMENT FOR AVIGATION RIGHTS RECORDED SEPTEMBER 27, 1977 IN BOOK 2013, PAGE 705, ORIGINAL RECORDS OF AS INSTRUMENT NO. 56771, ORIGINAL RECORDS OF THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA.

AN EASEMENT FOR WATER USE PURPOSES RECORDED SEPTEMBER 28, 1983 IN BOOK 2525, PAGE 730, ORIGINAL RECORDS OF THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA.



VICINITY MAP
(NOT TO SCALE)

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 THE _____ DAY OF _____, 200____, APPROVE THE _____ OF SAID CITY AND THE _____ OF SAID CITY, AND MAKE OF THE PUBLIC _____ OF SAID CITY FOR ROAD PURPOSES AND THE LANDSCAPE EASEMENT TO THE TERMS OF OFFER OF DEDICATION BY THE PARTIES HAVING TITLE INTEREST IN SAID LAND.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 20____.

DENNIS FANSLER, CITY CLERK _____

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 3016 ON AUGUST 12, 2009.

RONALD WISEMAND, COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

NOTARY ACKNOWLEDGMENTS:

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

ON _____, 200____, BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO PROVED TO ME TO BE 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/IT/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND: _____ PRINCIPAL PLACE OF BUSINESS: _____ COUNTY: _____
PRINTED NAME: _____ MY COMMISSION EXPIRES: _____

TRACT 3016

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO STATE OF CALIFORNIA BEING A SUBDIVISION OF PARCELS A, B AND C OF PARCEL MAP NO. PR 79-252, IN BOOK 33, PAGE 24 OF PARCEL MAPS, TOGETHER WITH PARCEL 2 AND A PORTION OF PARCEL 4 OF PARCEL MAP CO 77-96, IN BOOK 24, PAGE 54 OF PARCEL MAPS, RECORDS OF SAID COUNTY.



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MAY 2009

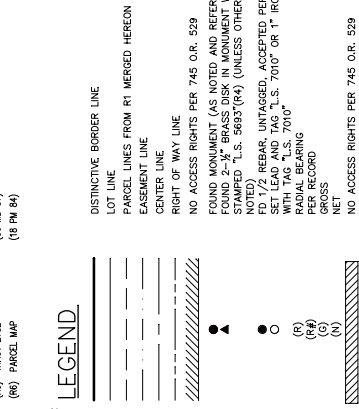
SHEET 1 OF 2

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PARCEL MAP IS BETWEEN TWO FOUND MONUMENTS, ONE BEING A 3/4" IRON PIPE AND THE OTHER A 2" BRASS DISK IN MONUMENT WELL STAMPED "L.S. 4845" (R3). PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

LINE TABLE	LINE NUMBER	BEARING	DISTANCE
12	N172°09'29"W	184.17	
13	N87°50'00"W	184.17	
14	N87°50'00"W	184.17	
15	N87°50'00"W	184.17	
16	N87°50'00"W	184.17	

- REFERENCES:
- (R1) PARCEL MAP PR 79-223 (03 PM 24)
 - (R2) PARCEL MAP CO 77-96 (24 PM 54)
 - (R3) TRACT 2005 (19 MB 82)
 - (R4) RECORD OF SURVEY (62 BLS 15)
 - (R5) TRACT 2782 (30 MB 87)
 - (R6) PARCEL MAP (18 PM 84)



NOTES:

PROPERTY ACQUIRED BY AMATEUR EASEMENT PER 608 O.R. 705. THE 30' OFFER OF DEDICATION PER BOOK 33 PAGE 24 OF MAPS NOT SHOWN HEREON IS ABANDONED BY SEPARATE INSTRUMENT.

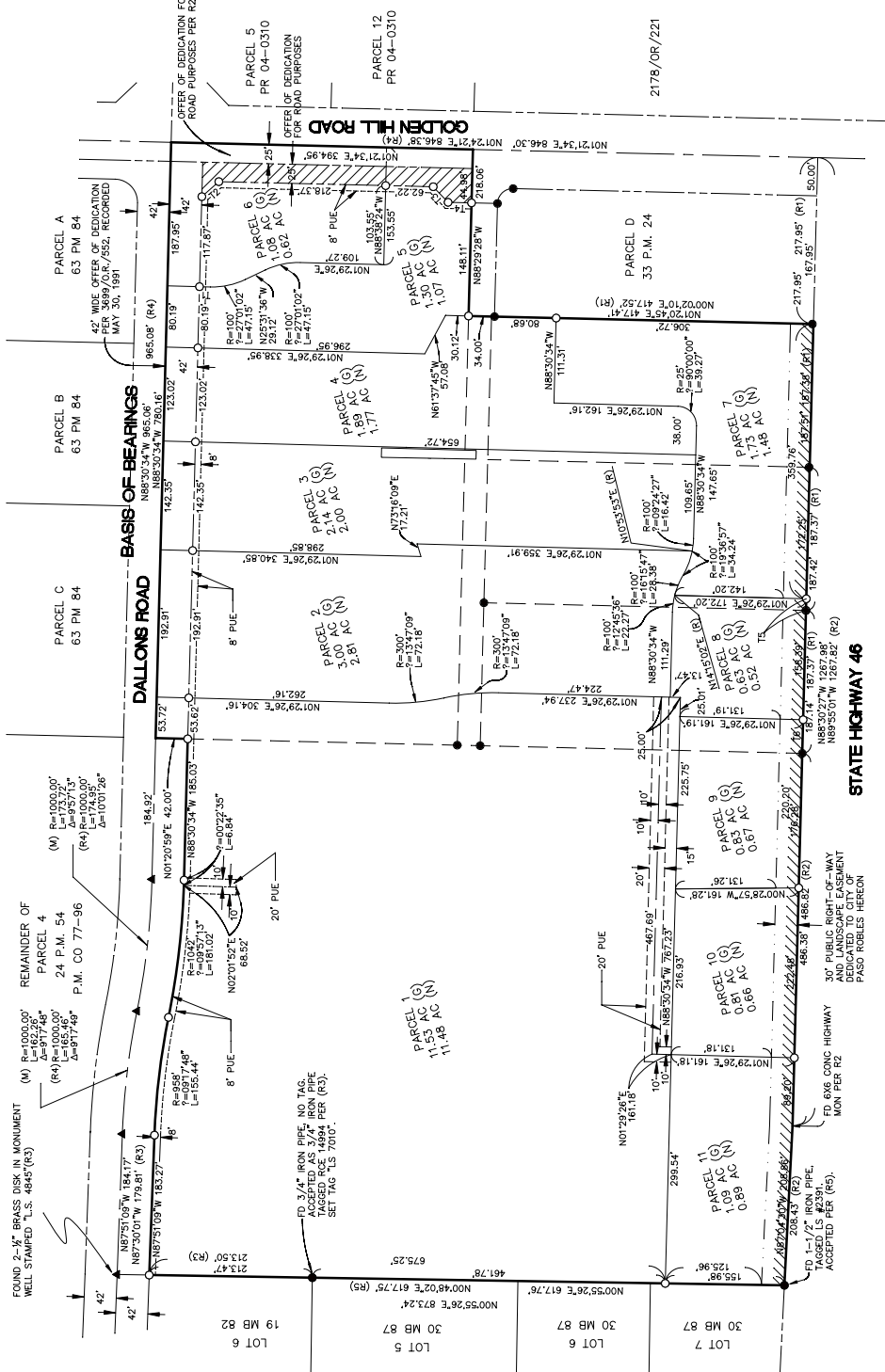
SET LEAD AND TAG "L.S. 7010" OR "1" IRON PIPE WITH TAG "L.S. 7010" AT ALL INTERIOR LOT CORNERS, BC AND EC POINTS.

TRACT 3016

IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO STATE OF CALIFORNIA BEING A SUBDIVISION OF PARCELS A, B AND C OF PARCEL MAP NO. PR 79-252, IN BOOK 33, PAGE 24 OF PARCEL MAPS, TOGETHER WITH PARCEL 2 AND A PORTION OF PARCEL 4 OF PARCEL MAP CO 77-96, IN BOOK 24, PAGE 54 OF PARCEL MAPS, RECORDS OF SAID COUNTY.



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SURVEYORS NARRATIVE

THE SOUTH LINE OF THE LANDS BEING SUBDIVIDED WAS ESTABLISHED BY A "BEST FIT" LINE THROUGH THE MONUMENTS FOUND ALONG THE SOUTH LINE. THE 6X6 CONCRETE MONUMENT WAS HELD AS THE ANGLE POINT IN THE SOUTH LINE.

THE SOUTH LINE WAS EXTENDED THE RECORD DISTANCE EASTERLY FROM THE CENTERLINE OF GOLDEN HILLS ROAD.

THE CENTERLINE OF GOLDEN HILLS ROAD WAS ESTABLISHED BETWEEN THE POINT ESTABLISHED ABOVE AND THE FOUND MONUMENT AT THE INTERSECTION OF DALLONS ROAD AND GOLDEN HILLS ROAD. THIS LOCATION LIES 50 FEET NORTH OF THE CENTERLINE OF GOLDEN HILLS ROAD.

THE NORTH LINE OF PARCEL D OF 33 P.M. 24 WAS ESTABLISHED FROM FOUND MONUMENTS ALONG THE CENTERLINE OF DALLONS ROAD. THE WEST LINE OF THE LANDS SUBDIVIDED WAS ESTABLISHED BETWEEN ACCEPTED FOUND MONUMENTS ALONG THE WEST LINE SHOWN HEREON. THE LINE WAS EXTENDED A RECORD DISTANCE TO THE NORTHERLY RIGHT-OF-WAY PERCE OF HIGHWAY 46.

THE WEST LINE OF PARCEL D OF 33 P.M. 24 WAS ESTABLISHED FROM FOUND MONUMENTS ALONG THE NORTH LINE OF SAID PARCEL.

RESOLUTION NO. 09-xxx

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 3016 (GOLDEN HILLS PLAZA), AS SUB-AREA 118 OF
THE PASO ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1,
COMMENCING IN FISCAL YEAR 2010/2011

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 3016 (hereinafter referred to as the "Annexation Territory") as Sub-Area 118 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 2010/2011 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 2010/2011 and the inflationary adjustment applicable to future assessments; and,

WHEREAS, upon the close of the Public Hearing held on October 6, 2009 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 October 6, 2009.

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.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 6th day of October, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

RESOLUTION NO. 09-xxx

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 3016 (GOLDEN HILLS PLAZA), AS SUB-AREA 118 OF THE PASO
ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT; AND THE LEVY AND
COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO COMMENCING IN
FISCAL YEAR 2010/2011

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 3016 (hereinafter referred to as the "Annexation Territory") as Sub-Area 118 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 2010/2011 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 XIII D (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 in Fiscal Year 2010/2011 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 for the proposed assessments and has determined that majority protest 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 applicable 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 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 parcels of land 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.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 6th day of October, 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

RESOLUTION NO. 09-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES, CALIFORNIA
CONFIRMING THE ANNEXATION OF TRACT 3016 (GOLDEN HILLS PLAZA), AS SUB-
AREA 118 OF THE PASO ROBLES LANDSCAPE AND LIGHTING MAINTENANCE
DISTRICT NO. 1 AND THE ASSESSMENT DIAGRAM CONNECTED THEREWITH; AND
ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS COMMENCING IN FISCAL
YEAR 2010/2011

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 3016 (hereinafter referred to as the "Annexation Territory") as Sub-Area 118 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 parcels within the Annexation Territory and the annual levy of assessments related thereto commencing in Fiscal Year 2010/2011 as required by the Act and the provisions of the California Constitution Article XIID (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, 2010 and ending June 30, 2011 (Fiscal Year 2010/2011), 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 in Fiscal Year 2010/2011 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 parcels within the Annexation Territory to the District, the levy and collection of assessments, and by Resolution approved and adopted the 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 further determined that majority protest for the proposed assessments did not exist within the Annexation Territory.

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 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.

Section 4. The City Council hereby orders the improvements as described in the Engineer's Report, to be made. Those improvements 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 or directly associated with the properties therein and such improvements may include, but are not limited to the medians, parkways, slopes, drainage and irrigation facilities, open space or other public areas; and street lighting facilities 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 each fiscal year commencing with Fiscal Year 2010/2011, the County Auditor of San Luis Obispo shall enter on the County Assessment Roll opposite each parcel of land the amount of levy described in the Engineer's Report for that fiscal year, 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 Tract 3016 (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 applicable assessments commencing in Fiscal Year 2010/2011 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 confirmation of the annexation to the District; the adoption of the Assessment Diagram; and the establishment of the maximum assessment rate(s), assessment range formula and the assessments commencing in Fiscal Year 2010/2011 as described in the Engineer's Report.

Section 8. The City Clerk is hereby authorized and directed to file the levy of assessments for the Annexation Territory (Sub-Area 118) as approved, to the County Auditor of San Luis Obispo along with the other assessments for the District commencing in Fiscal Year 2010/2011.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 6th day of October, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk



**NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT PROCEDURES
FOR**

**ANNEXATION OF TRACT 3016 (GOLDEN HILLS PLAZA) TO THE
EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 AS SUB-AREA 118**

Purpose of this Notice

The purpose of this notice, that includes both this document and the accompanying Assessment Ballot which also includes Instructions for Completion and Delivery of Assessment Ballot, is:

- to provide information to the record owners of property within Tract 3016 (the “Annexation Territory”), which is proposed to be annexed to the El Paso De Robles Landscape and Lighting District No. 1 (the “District”) as Sub-Area 118 within the City of Paso Robles (the “City”) and the proceedings being undertaken by the City to consider the levy of assessments on properties within the Annexation Territory for the purposes specified below;
- to transmit the Assessment Ballot to the owner or owners of each property within the Annexation Territory, to enable such owner or owners to express support for or opposition to the levy of the proposed annual assessment on such property, by completing and returning the Assessment Ballot; and
- to identify the time and place of the scheduled public hearing on these matters and to provide instructions to the owner or owners to assist in completing the Assessment Ballot and returning it to the City.

Reason for the Assessment

The purpose of the proposed annexation and resulting assessment is to provide an appropriate revenue source to fund the ongoing annual maintenance, servicing and operation of the landscaping and/or lighting within the public right-of-ways associated with and for the special benefit of properties within the Annexation Territory, that may include all or a portion of the costs associated with:

- **Operation and Maintenance:** The estimated annual costs to provide ongoing maintenance and servicing of the improvements below including, but not limited to the materials, equipment, utilities, labor and appurtenant facilities:
 - Local street lighting improvements;
 - Parkway landscaping on State Highway 46; and
 - Traffic signal on Golden Hills Road.
- **Incidental Expenses:** The annual District administrative costs associated with Annexation Territory including, but not limited to: preparation of the annual engineer’s report and resolutions; publishing, posting and mailing of notices; compensation payable to the County for collection of assessments; compensation of any engineer or attorney employed to render related services; compensation to various departments of the City for services rendered by the City for operation and administration of the District; and authorized fund balances.

The Total Annual Assessment Proposed to be Charged to the Annexation Territory

The total annual amount of the assessments being balloted to properties within the Annexation Territory is \$29,016.00. This total amount divided by the total number of equivalent benefit units (acres) within the Annexation Territory represents a proposed annual assessment rate of \$1,170.00 per acre as described in the Engineer’s Report on file with the City Clerk and briefly summarized in this notice and ballot. This annual assessment rate of \$1,170.00 represents the Maximum Assessment Rate for fiscal year 2010/2011. Beginning in fiscal year 2011/2012, this Maximum Assessment Rate will be subject to an annual inflationary adjustment based on the annual percentage change in the Consumer Price Index (CPI) identified by the US Department of Labor, Bureau of Labor and Statistics for Urban Wage Earners and Clerical Workers in the San Francisco-Oakland-San Jose Area.

Assessment Proposed to be Assessed on Your Property

The amount of your maximum assessment balloted is identified on the accompanying Assessment Ballot as “Your Parcel’s Proposed Maximum Assessment for Fiscal Year 2010/2011”. If the assessments are approved in these proceedings, you parcel’s assessment amount and the maximum assessment rate are subject to the annual inflationary adjustment described herein. Your parcel’s actual maximum assessment for subsequent years would be subject to this inflationary adjustment which is determined and set each year when the annual engineer’s report for Landscape and Lighting District No. 1 is adopted by the City Council. The annual assessment rate and resulting assessments approved each fiscal year may be equal to or less than this adjusted maximum assessment rate.

Basis upon which the Proposed Assessments are Calculated

Each year the City determines how much it will cost to provide the landscaping and lighting improvements associated with the Annexation Territory (Sub-Area of the District) to appropriately allocate those costs to only the benefiting properties. The assessments are spread to parcels within the Sub-Area based on a benefit formula that equitably distributes those costs based on the proportional special benefits of each parcel. Your property will be assessed for only those improvements and costs determined to provide special benefits to your property.

Upon review of the proposed improvements in their entirety, it has been determined that each of the parcels within the Annexation Territory will receive substantially similar special benefits from the improvements to be provided, but the proportionality of such benefits is appropriately reflected by the acreage of each respective parcel or lot. The formulas used for calculating assessments are generally:

$$\frac{\text{Total Balance to Levy}}{\text{Total Acres of all Parcels}} = \text{Assessment Amount per Acre (Rate)}$$

Then

$$(\text{Rate per Acre}) \times \text{Parcel's Acreage} = \text{Annual Assessment Amount (for each Parcel)}$$

A more detailed description of the basis upon which the amount of the proposed assessments has been calculated is described in the Engineer's Report, which is on file with the City Clerk.

Inflationary Adjustment

Because the cost of servicing and maintaining such improvements are impacted by inflation over time, the proposed assessment rate and corresponding parcel assessments include an annual inflationary adjustment based on the annual percentage change in the Consumer Price Index (CPI) as reported by the United States Department of Labor, Bureau of Labor Statistics, for the San Francisco/Oakland/San Jose Metropolitan Statistical Area for Urban Wage Earners and Clerical Workers. As part of your support for or opposition to the proposed assessments described in this notice and presented on the accompanying Assessment Ballot, you are also indicating your support for or opposition to the annual inflationary adjustment that may be applied to your proposed assessment in future years. If the proposed assessment is approved, this annual inflationary adjustment shall be applied to the maximum assessment rate commencing with Fiscal Year 2011/2012 and your calculated annual assessment may be adjusted accordingly.

Duration of the Assessments

If approved, the proposed assessment indicated on the accompanying ballot (or a lesser amount), will appear on your Fiscal Year 2010/2011 property tax bill. Because the proposed assessments will provide annual funding for the ongoing maintenance and operation of the landscaping and lighting improvements, there is no sunset on the assessments (no end date), but the annual budget and assessments shall be presented at a public hearing each fiscal year, which is open to the public for comment and testimony.

Protest Provisions:

Pursuant to California Constitution Article XIIIID, Section 4 (e), at the Public Hearing, the City Council shall consider all protests against the proposed new or increased assessment. In addition to the property owner assessment ballots, written protests regarding the District and assessments may be filed with the City Clerk prior to or during the Public Hearing. Please ensure that your Assessor's Parcel Number (APN) is included on any written protest or correspondence so that your property can be correctly identified.

Public Hearing.

Notice is hereby given that a public hearing on the proposed assessments will be held in the regular meeting place of the City Council of the City, being the City Council Chambers at City Hall, located at 1000 Spring Street, Paso Robles, California, on the following date and at the following time:

Tuesday October 6, 2009, at 7:30 P.M.

The City Council shall consider all objections and protests, if any, to the proposed assessment. Any interested person shall be permitted to present written and oral testimony. The City Council may impose reasonable time limits on both the length of the entire public hearing and the length of each interested person's oral testimony. The City Council may also continue the public hearing from time to time.