

TO: Meg Williamson, Acting City Manager

FROM: Warren Frace, Director of Community Development

SUBJECT: Offer of Dedication of Open Space, Tract 2571

DATE: January 19, 2016

Needs: That the City Council accept the offer of dedication of open space Lot 35 in and adjacent to stream beds in Tract 2571.

Facts:

1. Tract 2571 is located along Montebello Oaks Drive and the west side of Arciero Way. The final map for Tract 2571 was approved for recordation by the City Council on November 16, 2004.
2. The recordation of Tract 2571 included the dedication of open space Lot 35 to the City. Lot 35 is located along a natural stream bed that is tributary to the Salinas River. It includes a recreational bike and pedestrian path.
3. Open Space Lot 35 is currently maintained by the Landscape and Lighting District.

**Analysis
and**

Conclusion: Lot 35 of Tract 2571 was dedicated to the City by the original developer of Tract 2571 on the final tract map recorded in 2004. By oversight, the City Clerk's certificate on the Final Map did not include specific acceptance of the offer of dedication of Lot 35. This leaves the land with a clouded title.

The offer of dedication of Lot 35 in Tract 2571 was intended to protect the natural stream channel and to provide for recreational opportunities. The open space in Tract 2571 is currently maintained by the Landscape and Lighting District.

Policy

Reference: General Plan.

Fiscal

Impact: The cost of maintenance of the open space is currently assessed to the property owners in Tract 2571 through the Landscape and Lighting Maintenance District.

Options:

- a. Adopt Resolution No. 16-xxx accepting the offer of dedication of open Space Lot 35 in Tract 2571.
- b. Amend, modify or reject the above option.

Attachments: (3)

1. Letter From Robert Fash
2. Vicinity Map
3. Resolution

Robert S. Fash
417 Montebello Oaks Drive
Paso Robles, California 93446
(805) 221-5946

December 2, 2015

Mr. John Falkenstien, PE
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Offer of Dedication for Open Space Lot 35 of Tract 2571

Dear Mr. Falkenstien,

Thank you for your time in discussing the status of the Offer of Dedication for Open Space Lot 35 of Tract 2571. As you're aware, the developer of Tract 2571 presented an offer of dedication for this parcel together with the streets, easements for utilities, drainage, street trees, etc. contained within the Tract.

For reasons unknown, possibly an oversight, when the map was approved by the City Council and these offers were accepted on behalf of the public, it appears that Open Space Lot 35 was omitted from acceptance in the Clerk's Statement although it was offered in fee according to the Owner's Statement on the same sheet recorded in Book 24 of Maps, at Page 71 in the office of the County Recorder.

As the owner of Lot 4 of Tract 2573, I am concerned with this conflict which raises questions as to who is the responsible party and fee owner of this Open Space Lot 35 neighboring my home along a common border. As you know the original developers have a public history of issues that would inhibit their proper and effective custodianship of this property. Since this Open Space Lot 35 was neither accepted nor rejected on the original map, it is my understanding the offer is still available.

For the benefit of the City, the public, the neighborhood and myself, I hereby request that the Paso Robles City Council take action to accept the original offer of dedication for this Open Space Lot 35 per the map and correct the original ambiguity left by the Clerk's Statement in order to protect the interests of the community and homeowners in the area.

Please let me know if you have any questions, or require any additional information regarding this request.

Sincerely,

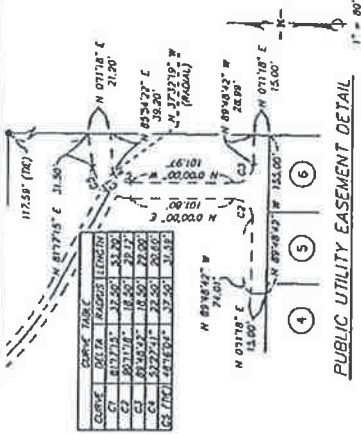


Robert Fash

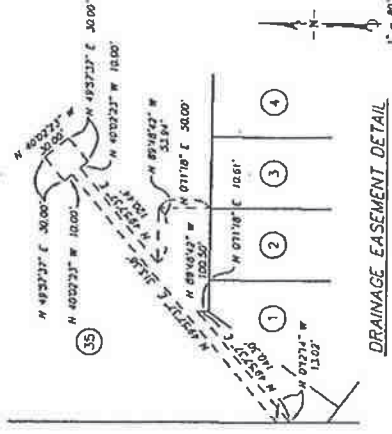
File:\\14003Letter120215.docx

TRACT 2223-1

TRACT 2431



PUBLIC UTILITY EASEMENT DETAIL



DRAINAGE EASEMENT DETAIL

TRACT 2571

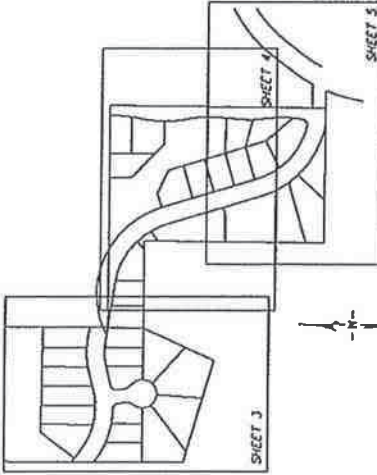
Being a subdivision of Parcels A and B of Parcel Map CO 77-129 and of the Remainder Parcel of Parcel Map PR 01-355, together being a portion of Lot 12 of the subdivision of the Rancho Santa Ysabel as recorded in Book A, Page 29 of Maps, in the office of the County Recorder, City of Paso Robles, County of San Luis Obispo, State of California.

VOLBRECHT SURVEYS

POST OFFICE BOX 299
SAN LUIS OBISPO, CA 93106
(805) 781-9296

JUNE, 2004 67306(m2.dwg) Sheet 2 of 5

BASIS OF BEARINGS
The basis of bearings for this survey was determined between found monuments as shown per R and bears N 89°40'35" W

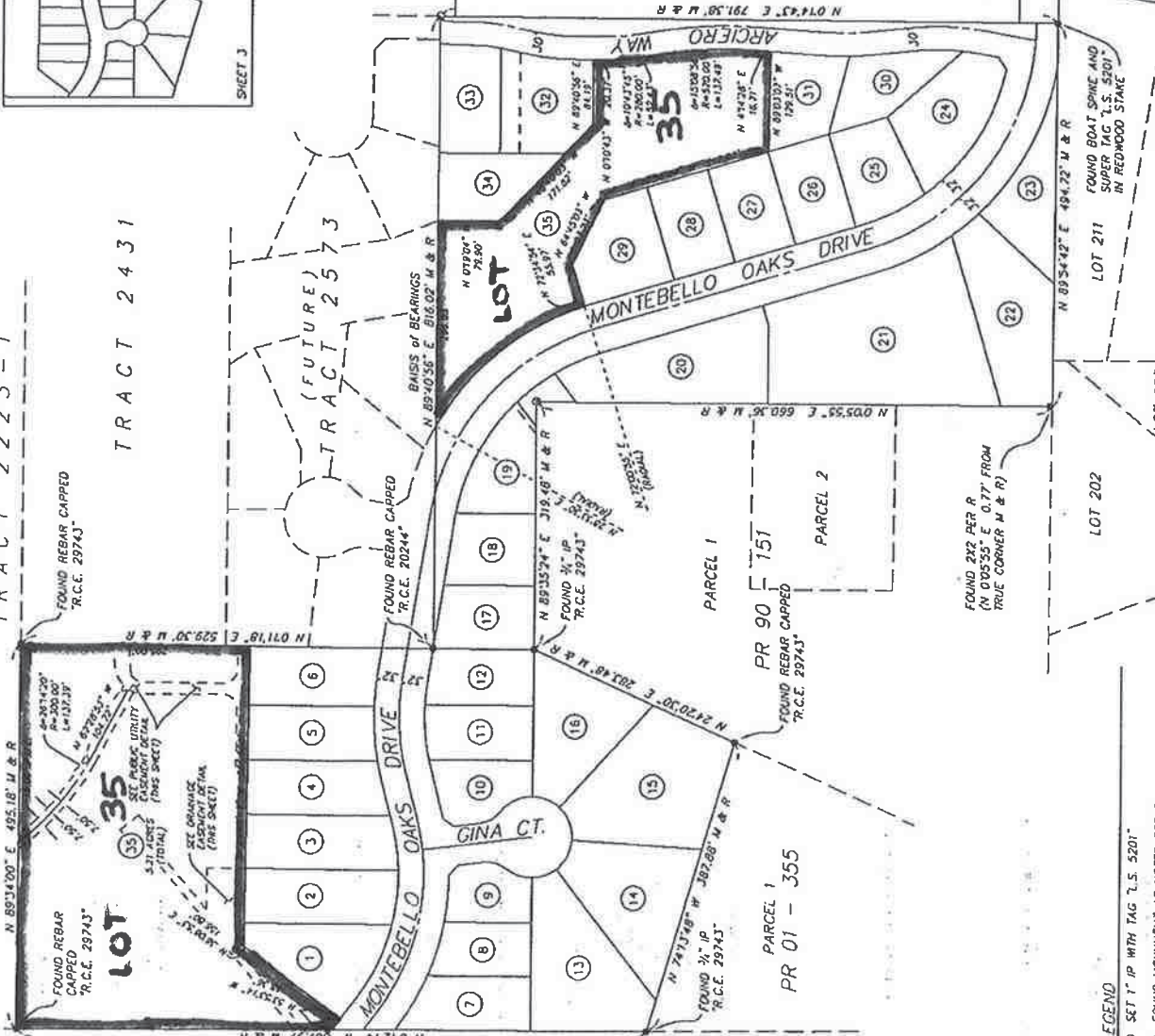


INDEX MAP

SHEET 5

SHEET 4

SHEET 3



ORCHARD BUNGALOW TRACT

- LEGEND**
- SET 1" IP WITH TAG 7.5. 5201"
 - FOUND MONUMENT AS NOTED PER R
 - FOUND 1" PIPE WITH TAG 7.5. 5201" PER R
 - R RECORD OF SURVEY BOOK 87, PAGES 18 - 21, INCLUSIVE

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ACCEPTING THE OFFER OF DEDICATION OF OPEN SPACE IN TRACT 2571

WHEREAS, at their meeting of November 16, 2004, the City Council adopted Resolution 04-249 authorizing the recordation of Tract 2571; and

WHEREAS, the recordation of Tract 2571 included the offer of dedication of open space Lot 35 to the City; and

WHEREAS, Lot 35 is located along a natural stream tributary to the Salinas River and includes a recreational bike and pedestrian path; and

WHEREAS, Lot 35 is maintained by the Landscape and Lighting District associated with the properties in Tract 2571.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the City of Paso Robles does hereby accept the Offer of Dedication of open space Lot 35 as shown on the map of Tract 2571 as recorded in Book 24 of Maps, at Pages 71-75, in the office of the County Recorder.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 19th day of January, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steve Martin, Mayor

ATTEST:

Kristy Buxkemper, Deputy City Clerk