

RESOLUTION NO. 91-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EL PASO DE ROBLES, CALIFORNIA, INITIATING PROCEEDINGS
AND DECLARING THE INTENTION TO ANNEX TRACT NO. 2036
TO THE PASO ROBLES LANDSCAPE AND LIGHTING DISTRICT NO. 1
(STREETS AND HIGHWAYS CODES SECTIONS 2250 ET SEQ.)

WHEREAS, the City Council has previously conditioned the development of a project known as **Tract 2036** on the participation in a Benefit Maintenance District to fund maintenance of landscape and lighting improvements for the Tract; and

WHEREAS, the owners of the real property within the proposed District have consented in writing to the inclusion of the Tract in a District pursuant to the Landscape and Lighting Act of 1972 (Streets and Highways Code Sections 22500 et seq.); and

WHEREAS, there currently exists in the City the Paso Robles Landscape and Lighting District #1 ("District") to which this Tract can be annexed.

NOW, THEREFORE, the City Council of the City of El Paso de Robles, California, does resolve as follows:

1. The City Council of the City of El Paso de Robles hereby declares its intent to annex **Tract 2036** to the District.

2. The improvements within the Tract to be subject to assessment for maintenance by such District shall include those enumerated in Streets and Highways Code Section 22525 which are installed by the developer as a condition of approval of **Tract 2036** or which are hereafter installed by developer or City.

3. The property to be annexed to the District is located in the City of El Paso de Robles, County of San Luis Obispo, as more particularly described in Exhibit "A" hereto which is hereby

incorporated herein. A map showing the boundaries of the property to be annexed is attached as Exhibit "B" which is hereby incorporated herein.

4. Pursuant to Streets and Highways Code Sections 22608.1 and 22608.2, no notice, hearing or filing of an engineer's report shall be required to form this District.

5. The part of the District annexed shall be call the "Paso Robles Landscape and Lighting District No. 1, Subarea 10".

6. The annexation of Subarea 10 to the District shall be placed upon the next agenda of a regularly scheduled meeting of the City Council.

On motion of Council Member Russell, seconded by Council member Martin, and on the following roll call vote, to wit:

AYES: Russell, Martin, Reneau, Picanco and Iversen

NOES: None

ABSENT: None

the foregoing Resolution No. 91-45 was adopted on the 2nd day of April, 1991.


MAYOR CHRISTIAN E. IVERSEN

ATTEST:


CITY CLERK, JERRY BANKSTON

PETITION

A PETITION TO THE CITY COUNCIL OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, PETITIONING SAID COUNCIL TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY INTO "EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1," AN ASSESSMENT DISTRICT ESTABLISHED PURSUANT TO THE "LANDSCAPING AND LIGHTING ACT OF 1972" AS SET FORTH IN PART 2 OF DIVISION 15 (SECTIONS 2250 ET SEQ.) OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

WITNESSETH:

A. WHEREAS, the petitioners, **GRANARY ASSOCIATES**, a limited partnership (hereinafter referred to as the "**Developer**"), are the sole owners of that certain real property located in the **City of El Paso de Robles**, County of San Luis Obispo, State of California, more particularly described in **Exhibit "A"** attached hereto (hereinafter referred to as the "**Property**"); and

B. WHEREAS, **Developer** is developing the **Property** as commercial condominium subdivision approved as **Tentative Tract No. 2036** (hereinafter referred to as the "**Project**"); and

C. WHEREAS, as a condition to its approval of the recordation of the final tract map(s) to be recorded on the **Project**, the **City of El Paso de Robles** (hereinafter referred to as the "**City**") has required that those certain areas within the **Project** be improved with landscaping, lighting, and other related improvements (hereinafter referred to as the "**Landscape and Lighting Improvements**") to a standard acceptable to the **City**; and that the **Developer** provide a means satisfactory to the **City** for assuring the continued maintenance, operation, and servicing of the **Landscape and Lighting Improvements**; and

D. WHEREAS, pursuant to the "**Landscaping and Lighting Act of 1972**" as set forth in Part 2 of Division 15 (Sections 22500 et seq.) of the Streets and Highways Code of the State of California, the **City** may form an assessment district to provide for the maintenance, operation and servicing of the **Landscape and Lighting Improvements**, and for the payment of the costs and expenses

incurred for such maintenance, operation, and servicing; and

E. WHEREAS, the Developer is the owner of all of the real property to be benefitted by the Landscape and Lighting Improvements of the maintenance, operation, and servicing thereof.

NOW, THEREFORE, in furtherance of the foregoing recitals, the Developer does hereby petition the City as follows:

1. In order to assure the continued maintenance, operation, and servicing of the Landscape and Lighting Improvements, and the payment of the costs and expenses incurred for such maintenance, operation, and servicing, the Developer hereby requests that the City annex the Property into the Paso Robles Landscape Maintenance District No. 1 (hereinafter referred to as the "District") pursuant to the "Landscaping and Lighting Act of 1972" as set forth in Part 2 of Division 15 (Sections 22500 et seq.) of the Streets and Highways Code of the State of California, in accordance with this Petition.

2. The Developer requests that the territory to be annexed to the District consists of all of the Property referenced in Paragraph A of the recitals hereinabove.

3. As the sole owner(s) of all of the real property to be annexed into the District, the Developer hereby waives, pursuant to Streets and Highways Code Section 22608.1, preparation of an initial engineer's report and hearings of objections and protests by interested property owners to the proposed annexation.

4. In consideration of the approval of the annexation into the District by the City, the Developer hereby agrees as follows:

a. To install the Landscape and Lighting Improvements as required by conditions of approval of the Project and to bear all costs of constructing or otherwise installing the Landscape and Lighting Improvements;

b. To complete the construction or other installation of the Landscape and Lighting Improvements in Tract 2036 to the reasonable satisfaction of the City prior to the first

close of an escrow for the sale of any lot in said **Tract 2036**.

c. To consent to the establishment and payment of an assessment for the proposed annexation of the **Property** into the **District** in an amount reasonably determined by the **City** to cover all costs and expenses incurred for the continued maintenance, operations and servicing of the **Landscape and Lighting Improvements** for Fiscal Year 90-91, if **City** determines to impose a levy for such fiscal year. District implementation of said landscaping maintenance shall only be activated in the event that the **Conditions of Approval** associated with the approved **Planned Development** over said tract are determined by the **City** to be in nonconformance and that the **City** deems it necessary to assume said responsibility.

**DEVELOPER - GRANARY ASSOCIATES, a
limited partnership**



**THOMAS NEWLIN HASTINGS, general
partner**

March 20, 1991
DATE

