



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO.  
COUNCIL MEETING

February 6, 2007

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

FROM: KEITH BERGTHOLD, Acting Director  
Planning and Development Department

MIKE KIRN, Assistant Director  
Public Works Department

*SUM*

*AK*

BY: ALAN KAWAKAMI, Chief Engineering Technician  
Building & Safety Services Division

SUBJECT: APPROVING THE FINAL MAP OF TRACT NO. 5316

**KEY RESULT AREA**

One Fresno

**RECOMMENDATIONS**

1. ADOPT the attached Resolution Approving the Final Map of Tract No. 5316 and accepting the dedicated public uses therein.
2. AUTHORIZE the City Manager and his/her designee to execute all agreements, covenants, documents necessary to re-file Final Map of Tract No. 5316 with the County Recorder subject to either the County Board of Supervisors ratifying the City's actions annexing the territory for the Final Map to Community Facilities District No. 11 or staff returning to Council for additional approvals.

**EXECUTIVE SUMMARY**

The Subdivider, Centex Homes, a Nevada General Partnership, ("Developer") previously filed for approval of the Final Map of Tract No. 5316 ("Final Map"). The project, a final map of Phase 1 of Vesting Tentative Map No. 5316/UGM for Vesting Tentative Map No. 5316/UGM, a 98 lot single-family residential subdivision on 22.9 acres, is located on the south side of West Dakota Avenue between North Polk and North Hayes Avenues.

Council approved annexing the territory to Community Facilities District No. 11 (CFD-11) and the Final Map on April 4, 2006 and staff filed the Final Map and accompanying agreements, covenants and documents with the County Recorder. The Final Map and all accompanying documents were recorded on June 23, 2006. Thereafter, it was determined that at the time Council approved CFD-11 and the Final Map, the annexation of the territory (Dakota-Hayes No. 2 Reorganization) which included the Final Map was approved by LAFCO but not perfected. Pursuant to the Subdivision Map Act, Council's April 4, 2006 action was null and

void. On February 1, 2007, LAFCO issued a Certificate of Completion for the Dakota-Hayes No. 2 Reorganization perfecting the annexation of the Final Map to the City of Fresno. The Developer is now seeking approval of the Final Map.

Subject to either the County Board of Supervisors ratifying the City's actions annexing the territory for the Final Map to CFD-11 or staff returning to Council for additional approvals, the Final Map is technically correct and conforms to the conditionally approved tentative map, the Subdivision Map Act and local ordinances; It is consistent with, and implements the 2025 General Plan and the West Area Community Plan. The provisions of Sections 66457 and 66474.1 of the Subdivision Map Act require that such final map be approved by the City Council.

### **KEY OBJECTIVE BALANCE**

Council action regarding this final map optimizes the three Key Objectives of Customer Satisfaction, Employee Satisfaction, and Financial Management. Affirmative action by the Council will result in timely deliverance of the technical review, processing and filing of the final map as is reasonably expected by the customer (subdivider/developer). Prudent financial management is demonstrated by the expeditious completion of this final map inasmuch as the customer has paid to the City a fee for the processing of this final map and that fee is, in turn, funding the operations of the Planning and Development Department. Employee satisfaction is derived from the fact that the staff, who have reviewed and made a recommendation on this final map, have done so in a thorough and professional manner, thereby enhancing the sense of accomplishment in the completion of the final map process.

### **PROJECT INFORMATION**

<b>PROJECT</b>	The Final Map of Tract No. 5316 Phase 1 of Vesting Tentative Map No. 5316/UGM), a 98 lot single-family residential subdivision on 22.9 acres.
<b>LOCATION</b>	South side of West Dakota Avenue, between North Polk and North Hayes. ( <i>Council District 1, Council Member Xiong</i> )
<b>SUBDIVIDER</b>	CENTEX HOMES, a Nevada General Partnership
<b>LAND USE &amp; ZONING</b>	Medium density residential; R-1/UGM (single-family residential/Urban Growth Management Areas) is effective pursuant

to Rezone Application No. R-04-18.

**PLAN CONSISTENCY** The project is consistent with the medium density residential planned land use designation of the General Plan and the West Area Community Plan.

**COMPLIANCE WITH SUBDIVISION MAP ACT AND LOCAL ORDINANCES** The Final Map conforms to all requirements of the Subdivision Map Act and local subdivision ordinances applicable to the conditions of approval of Vesting Tentative Map Nos. 5316/UGM; the completion of all public improvement requirements have been guaranteed and applicable fees paid.

## **BACKGROUND**

**Tentative Map Approval:** The Fresno City Planning Commission on November 3, 2004 adopted Resolution No. 12100 approving Vesting Tentative Map No. 5316 for a 253 lot single-family residential subdivision at an overall density of 4.5 units per acre.

The approval of Vesting Tentative Map No.5316/UGM remained effective until November 3, 2006. As the Final Map was accepted for processing prior to November 3, 2006, the approval of Vesting Tentative Map did not expire.

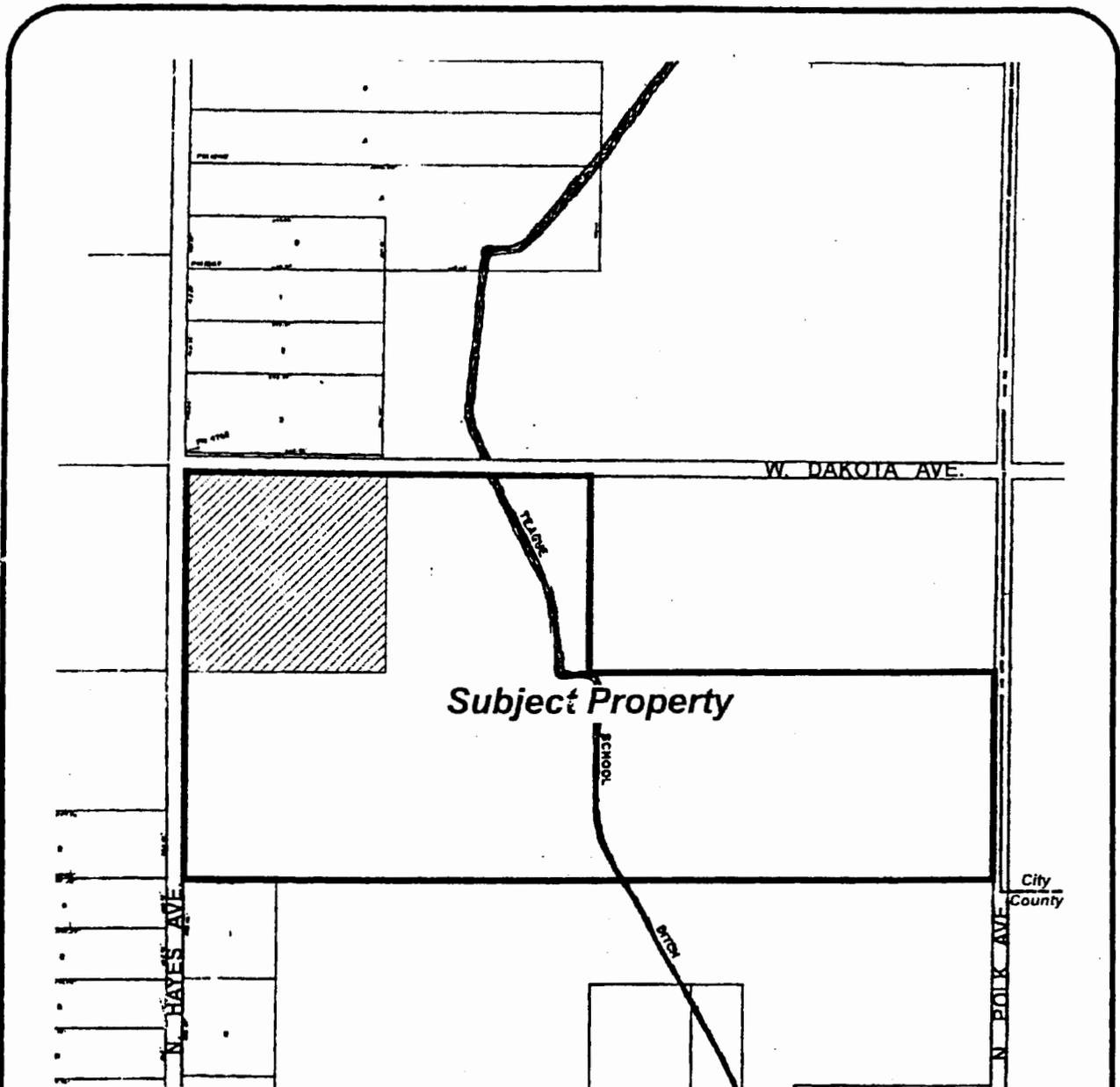
**Subdivision Agreement, Securities, Fees & Covenants:** The Subdivider executed the Subdivision Agreement and has posted securities in the amount of \$2,729,000 for performance and \$1,364,500 for labor and materials to guarantee the installation of the required public improvements. The Subdivider has paid cash in the amount of \$330,121.33 for applicable fees and has entered into a covenant to defer the payment of certain sewer connection charges, water connection charges, Urban Growth Management fees and development impact fees in the amount of \$172,523.87 to the time of issuance of Certificate of Occupancy . The Subdivider has also entered into covenants providing for Temporary Storm Drainage Facilities, Maintenance of Certain Public Improvements and Special Solid Waste Disposal Services.

The subdivision documents, securities and resolutions were previously reviewed and approved by the City Attorney's Office when the Final Map was presented in April 4, 2006. As the documents will require re-recording with the County Recorder, the documents may require re-execution and new notaries. Staff is requesting approval of the Final Map with authorization of staff to take all steps necessary to re-file the map, agreements, covenants and other documents, subject to review by the City Attorney's Office and City Manager, and his/her designee.

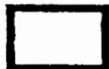
**Community Facilities District:** On April 4, 2006, Council also approved annexing the Final Map to CFD No. 11. Developer and Staff will be seeking approval of the Board of Supervisor's to ratify Council's action.

**Street Improvements:** All interior streets, shall be dedicated in accordance with the 50-foot and 54-foot standards and will be fully improved with standard curb, gutter, street lighting, permanent paving, and sidewalks on both sides of the street.

**Attachments:** Vicinity Map  
Vesting Tentative Map No. 5316  
Final Map of Tract No. 5316  
April 4, 2006 Resolution No. 2006-136 Approving Final Map  
Proposed Resolution Approving Final Map  
LAFCO recording order and Certificate of Completion (Dakota-Hayes No. 2 Reorganization)



**LEGEND**



Subject Property  
 Rezone Application No. R-04-018  
 From R-R (County) to R-1/UGM



Plan Amendment A-04-007  
 From Med. High Density Res.  
 to Medium Density Res.  
 (portion of APN 311-240-01)

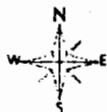
**VICINITY MAP**

PLAN AMENDMENT NO. A-04-007  
 From Med. High Density Resid. to Med. Density Resid.

REZONE APPLICATION NO. R-04-018  
 From R-R (County) to R-1/UGM

Southeast corner, Dakota and Hayes Aves.

**PLANNING & DEVELOPMENT  
 DEPARTMENT**



NOT TO SCALE

A.P.N.: 311-240-01.04.24S \_\_\_\_\_

ZONE MAP: 2144 \_\_\_\_\_

BY/DATE: J.S. / 2-10-04 \_\_\_\_\_





RESOLUTION NO. 2006-136

**RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 5316 AND  
ACCEPTING DEDICATED PUBLIC USES THEREIN**

WHEREAS, Centex Homes, A Nevada General Partnership, has offered for approval a Final Map designated as Tract No. 5316, ("map"), pursuant to approved Vesting Tentative Map No. 5316 ("tentative map"); and,

WHEREAS, all the certificates which appear on the map (except the approval certificate of the Council of the City of Fresno and the recording certificate of the Recorder of the County of Fresno) have been signed and acknowledged and said map has been filed for approval; and,

WHEREAS, the subdivision lies within the boundaries of the City of Fresno; and,

WHEREAS, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the map considered herewith by the Council; and,

WHEREAS, the Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

WHEREAS, the Subdivider and the Owners, whose signatures appear on the map, and others have offered for dedication certain streets, public utility easements, access rights and other public properties and uses as shown and delineated upon said map and have provided funds for the acquisition of property not otherwise offered for dedication on such map; and,

WHEREAS, the Planning Commission of the City of Fresno, by formal resolution, approved said tentative map.

Adopted \_\_\_\_\_  
Approved \_\_\_\_\_  
Effective \_\_\_\_\_

**EXHIBIT A**

2006-136

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. That the map is hereby approved and all of the streets, public utility easements, access rights and other public properties and uses offered for dedication on the map are hereby accepted, subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.
2. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.

\* \* \* \*



**CLERK'S CERTIFICATE**

STATE OF CALIFORNIA        )  
COUNTY OF FRESNO        )  
CITY OF FRESNO            )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 4th day of April, 2006.

AYES:           Boyajian, Dages, Perea, Sterling, Westerlund, Duncan  
NOES:           Calhoun  
ABSENT:         None  
ABSTAIN:        None

REBECCA E. KLISCH, CMC  
CITY CLERK

By: *Rebecca E. Klisch*  
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
Interim City Attorney

By: *[Signature]*  
Deputy

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 5316 AND  
ACCEPTING DEDICATED PUBLIC USES THEREIN.**

WHEREAS, CENTEX HOMES, A Nevada General Partnership, ("developer") previously offered for approval a Final Map designated as Tract No. 5316 ("final map"), pursuant to approved Vesting Tentative Map No. 5316 ("tentative map"); and,

WHEREAS, Council on April 4, 2006 approved the Final Map of Tract No. 5316 as provided in Resolution No. 2006-136 (attached as Exhibit "A") which was recorded with the County Recorder on June 23, 2006 in Volume 76 of Plats at Pages 3-5, Fresno County Records; and,

WHEREAS, at the time the final map was presented to Council, Council was provided information that all conditions of approval of the tentative map were met, including Condition of Approval No. 3 which required the annexation of the Final Map to the City of Fresno concurrent with the Final Map; and,

WHEREAS, it has been determined that while the annexation of the Final Map to the City of Fresno was approved by LAFCO prior to April 4, 2006, the annexation was not perfected until February 1, 2007 as provided in LAFCO Certificate of Completion for Dakota-Hayes No. 2 Reorganization File No. RO-05-13 (attached as Exhibit "B"); and,

WHEREAS, pursuant to the Subdivision Map Act in Government Code Section 66454, any action by a legislative body to approve a Final Map that has not been annexed at the time of approval is null and void; and,

WHEREAS, developer is now offering final map for approval pursuant to approved tentative map; and,

WHEREAS, all the certificates which appear on the map (except the approval certificate of the Council of the City of Fresno and the recording certificate of the Recorder of the County of Fresno) have been signed and acknowledged and said map has been filed for approval; and,

WHEREAS, the subdivision lies within the boundaries of the City of Fresno; and,

WHEREAS, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the map considered herewith by the Council; and,

WHEREAS, the Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

WHEREAS, the Subdivider and the Owners, whose signatures appear on the map, and others have offered for dedication certain streets, public utility easements, access rights and other public properties and uses as shown and delineated upon said map; and,

WHEREAS, the Planning Commission of the City of Fresno, by formal resolution, approved said tentative map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. That the map is hereby approved and all of the streets, public utility easements, access rights and other public properties and uses offered for dedication on the map are hereby accepted, unless it is stated on the Final Map that said dedications are subject to improvement, subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.
2. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.
3. The Council authorizes the City Manager, and his or her designee, to execute all documents to re-file the final map and all accompanying agreements, covenants, and other documents with the County Recorder's Office subject to either the County Board of Supervisors ratifying the City's actions annexing the territory for the Final Map to Community Facilities District No. 11 or staff returning to Council for additional approvals.

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**CLERK'S CERTIFICATE**

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

REBECCA E. KLISCH, CMC  
CITY CLERK

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By:   
Deputy

**CERTIFICATE OF COMPLETION  
FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION**

The Fresno Local Agency Formation Commission is the Conducting Authority.

The names of the agencies whose territory is changed and the type of change for each are:

Annexation to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District.

The County in which the entire boundary change occurred is Fresno County.

The short title of the reorganization proceeding is "Dakota-Hayes No. 2 Reorganization" LAFCo File No. RO-05-13

The affected territory is uninhabited.

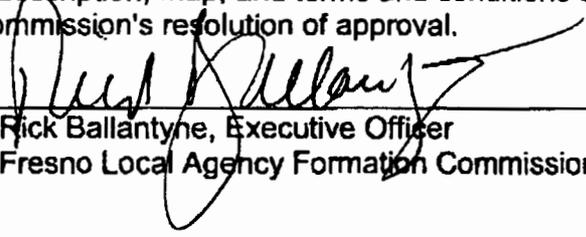
The change of organization was ordered without an election, and Resolution No. RO-05-13 ordering the change of organization was adopted by the Fresno Local Agency Formation Commission on June 15, 2005.

A legal description of the territory affected by the reorganization is set forth in the attached Exhibit "A".

The conditions of approval of the reorganization have been complied with as follows:

1. The City of Fresno has submitted to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with any final tract map approved by the City for the affected territory.
2. The territory rezoned in accordance with LAFCo Policies Standards and Procedures Section 210-13 shall remain under the approved Zone Districts for a time pursuant to state law (City of Fresno Ordinance No. 2004-129).
3. Satisfactory verification that the City has accepted the final map covering 50% or more of the affected territory has been submitted to the Executive Officer prior to the completion (recordation) of the annexation.
4. The City of Fresno has submitted to the Executive Officer a copy of a fully executed fire services transition agreement between the City and the North Central Fire Protection District prior to completion (recordation) of the proposed annexation.
5. The City of Fresno shall annex the full width of the existing road right-of-way adjacent to the affected territory along W. Dakota, N. Hayes and N. Polk Avenues.

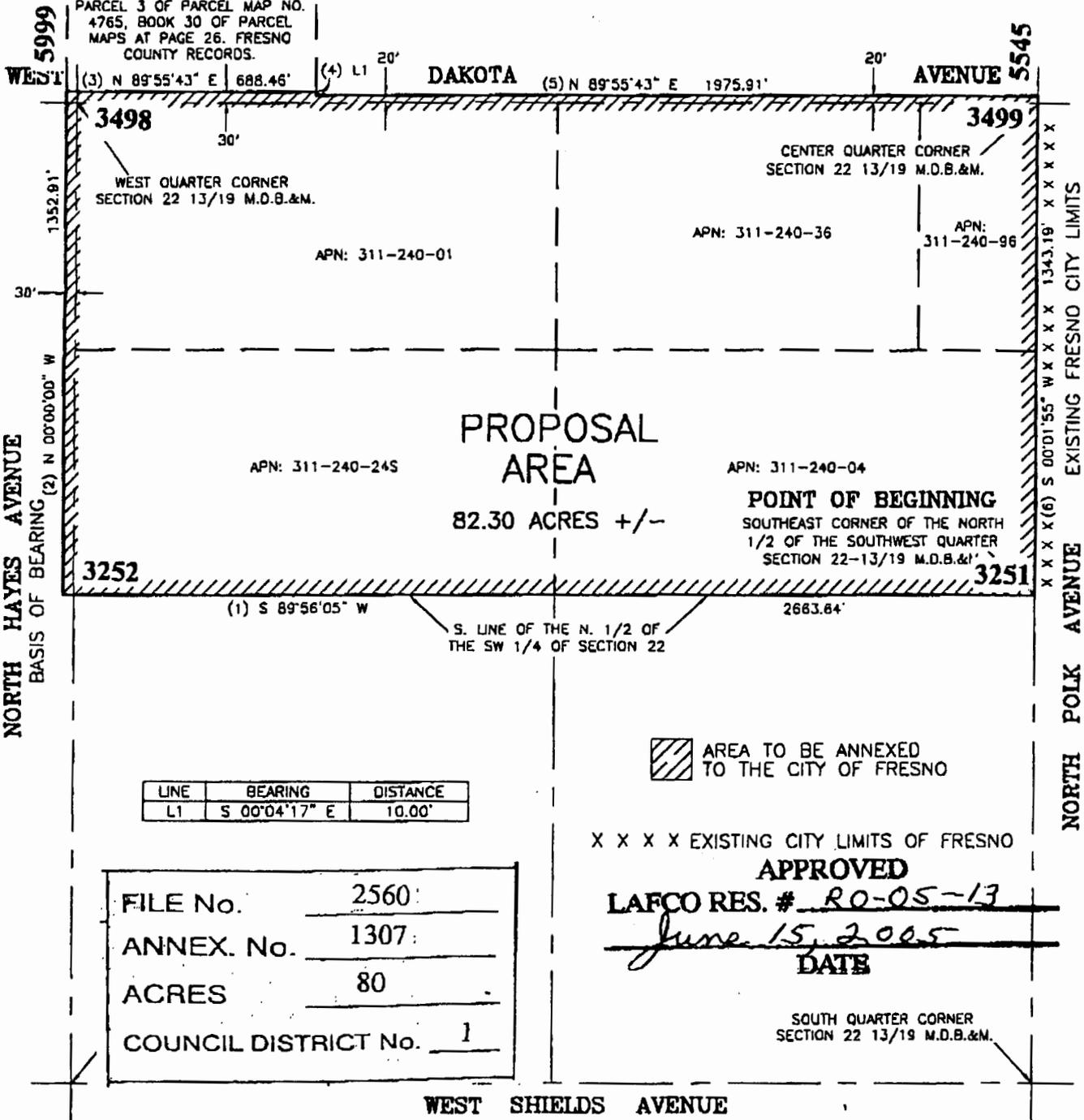
I, Rick Ballantyne, Executive Officer of the Fresno County Local Agency Formation Commission, hereby certify that the attached legal description, map, and terms and conditions of the change of organization do comply with the Commission's resolution of approval.

  
Rick Ballantyne, Executive Officer  
Fresno Local Agency Formation Commission

Dated: February 1, 2007

G:\LAFCO WORKING FILES\COMPLETIONS\RO-05-13 CERTIFICATE OF COMPLETION.doc

PARCEL 3 OF PARCEL MAP NO. 4765, BOOK 30 OF PARCEL MAPS AT PAGE 26. FRESNO COUNTY RECORDS.



LINE	BEARING	DISTANCE
L1	S 00°04'17" E	10.00'

FILE No.	<u>2560</u>
ANNEX. No.	<u>1307</u>
ACRES	<u>80</u>
COUNCIL DISTRICT No.	<u>1</u>

X X X X EXISTING CITY LIMITS OF FRESNO  
**APPROVED**  
**LAFCO RES. # RO-05-13**  
*June 15, 2005*  
**DATE**

**DAKOTA-HAYES No. 2 REORGANIZATION**

ANNEXATION TO THE CITY OF FRESNO DETACHMENT FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND FROM THE KINGS RIVER CONSERVATION DISTRICT

**BOUNDARY CHANGE RECORDED**

TIME 2:35pm DATE 3/1/07  
 DOCUMENT # 20070021541  
 EFFECTIVE February 1, 2007



SCALE: 1" = 400'

- 01-05-07
- 09-18-06
- 08-11-05
- 08-07-05
- 04-12-05
- 01-25-05

WO: 5316

P.05 559 495 655

LAFCO

FEB-01-2007 15:08

LAFCD RES. # \_\_\_\_\_  
June 15, 2005  
DATE

**LEGAL DESCRIPTION**  
**DAKOTA-HAYES No. 2 REORGANIZATION**  
**TO BE ANNEXED TO THE CITY OF FRESNO**  
**DETACHMENT FROM THE NORTH CENTRAL FIRE PROTECTION**  
**DISTRICT AND FROM KINGS RIVER CONSERVATION DISTRICT**

That portion of the West half of Section 22 and the East half of Section 21, both in Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, being more particularly described as follows:

**BEGINNING** at the Southeast corner of the North half of the Southwest quarter of said Section 22;

Thence (1) South 89°56'05" West, along the South line of the North half of the Southwest quarter of said Section 22 and the Westerly prolongation thereof, a distance of 2663.64 feet to a point being 30.00 feet West of the West line of the North half of the Southwest quarter of said Section 22;

Thence (2) North, parallel with and 30.00 feet West of the West line of the North half of the Southwest quarter of said Section 22 and the Northerly prolongation thereof, a distance of 1352.91 feet to a point being 30.00 feet North of the Westerly prolongation of the North line of the Southwest quarter of said Section 22;

Thence (3) North 89°55'43" East, parallel with and 30.00 feet North of the North line of the Southwest quarter of said Section 22, a distance of 688.46 feet to a point on the East line of Parcel 3 of Parcel Map 4765, recorded in Book 30 of Parcel Maps at Page 26, Fresno County Records;

Thence (4) South 00°04'17" East, along the East line of said Parcel 3, a distance of 10.00 feet to a point being 20.00 feet North of the North line the Southwest quarter of said Section 22;

Thence (5) North 89°55'43" East, parallel with and 20.00 feet North of the North line of the Southwest quarter of said Section 22, a distance of 1975.91 feet to a point on the East line of the Northwest quarter of said Section 22, said point being on the existing city limit;

Thence (6) South 00°01'55" West, along the existing city limit and along the East line of the West half of said Section 22, a distance of 1343.19 feet to the **POINT OF BEGINNING**.

Containing 82.30 acres, more or less.

Revised 01-05-07

BOUNDARY CHANGE RECORDED  
TIME 2:35 pm DATE 2/1/07  
DOCUMENT # 20070021541  
EFFECTIVE February 1, 2007

