



## Legislation Details (With Text)

<b>File #:</b>	Res. 2017-135R	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Discussion Item	<b>Status:</b>		Individual Consideration	
<b>File created:</b>	8/25/2017	<b>In control:</b>		City Council	
<b>On agenda:</b>	9/5/2017	<b>Final action:</b>			
<b>Title:</b>	Consider approval of Resolution 2017-135R, approving an Assignment and Assumption of License Agreement that assigns the license agreement with Carma Paso Robles, LLC for subdivision gateway improvements for the Kissing Tree Subdivision in the City's right-of-way to the homeowners' association for the subdivision; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date.				

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. Assignment and Assumption of License Agreement, 3. Signed License Agreement Kissing Tree

Date	Ver.	Action By	Action	Result
9/5/2017	1	City Council	postponed	Pass

### **AGENDA CAPTION:**

Consider approval of Resolution 2017-135R, approving an Assignment and Assumption of License Agreement that assigns the license agreement with Carma Paso Robles, LLC for subdivision gateway improvements for the Kissing Tree Subdivision in the City's right-of-way to the homeowners' association for the subdivision; authorizing the City Manager to execute said agreement on behalf of the City; and declaring an effective date.

**Meeting date:** September 5, 2017

**Department:** CIP

**Funds Required:** n/a

**Account Number:** n/a

**Funds Available:** n/a

**Account Name:** n/a

**CITY COUNCIL GOAL:** Community Wellness / Strengthen the Middle Class

**COMPREHENSIVE PLAN ELEMENT(s):** Land Use, Goal 1

### **BACKGROUND:**

On March 21, 2017 the city council approved a license agreement allowing Carma Paso Robles, LLC to install and maintain subdivision gateway improvements related to the Kissing Tree Subdivision in the city's right-of-

way.

The license agreement allows for the assignment of the license agreement to the Homeowners' Association (HOA) for the subdivision with the approval of the City. Carma is requesting the city's approval to the Association at this time.

Currently, 1300 acres are owned by Carma (affiliate of Brookfield Residential), with up to 3500 homes planned. There are 37 individual homeowners at this time. Thus, as the development is in the early stages, the developer is the major landowner in the subdivision and the HOA remains developer-controlled.

Until, the development is more fully built out, the developer will be the primary funding source for the obligations of the HOA as its interest is in maintaining the improvements in order to promote sales. The HOA will be required to carry liability insurance as required by the original license agreement.