

## **ATTACHMENT F**

### **Final EIR and Added Appendix X, Title Review Report**

*The Final EIR was previously transmitted to Board members and is not included here.*

*Appendix X, Title Review Report, was added to the Final EIR by the County Planning Commission and is included here.*

## **Appendix X**

### **Title Review Report, Hebda Property & Title Solutions, May 5, 2013**

Final EIR 10EIR-00000-00001/SCH#2010021069

for the

Southern California Gas Company  
La Goleta Storage Field Enhancement Project

# HEBDA PROPERTY & TITLE SOLUTIONS

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May 5, 2013

Mr. William M. Dillon  
Senior Deputy County Counsel  
105 E. Anapamu Street, Suite 201  
Santa Barbara, CA 93101

Re: SoCal Gas Project

Dear Mr. Dillon:

Pursuant to your request I have reviewed correspondence, copies of document and maps, and an 1938 aerial photograph provided to me by County Staff, and, I have researched the title plant property accounts at the Fidelity National Title Group Title Production Center for the purpose of providing to you my findings regarding easements, which have been established of record in favor of Pacific Lighting Corporation (Pacific).

Additionally, pursuant to your request I met with County Staff on April 17<sup>th</sup> and 18<sup>th</sup> to discuss and assess both the material presented to me by County Staff and the documents that I discovered during my research of the title plant property accounts.

Please note that upon the conclusion of my review and research of the resources described above, I have discovered the following two documents, each of which establish of record a road easement in favor of Pacific. The two documents are as follows:

1. A deed from First National Trust and Savings Bank of Santa Barbara, a national banking association, as Trustee (First National) to Pacific, which was recorded on January 23, 1941, as instrument number 602, in Book 510, Page 269 of Official Records ("Document Number 1").
2. A deed from First National to Pacific, which was recorded on August 18, 1945, as instrument number 9041, in Book 655, Page 403 of Official Records ("Document Number 2").

## **Document Number 1**

By Document Number 1 First National conveys to Pacific all gas underlying the land described as Exhibit "A" of the document, and, incidental thereto, such oil as is now known to exist in the development of gas, together with the sole and exclusive right of the grantee to develop, produce and remove all gas, subject to the terms of the deed. With the exception of a small westerly portion of Tract 1, as depicted on the "Map of a Portion of the John F. More Estate Showing Partition", dated November 1925, filed in

Book 17, Pages 188 and 189 of Record of Surveys (More Partition Map), Exhibit "A" described all of Tracts 1, 2 and 3 of the More Partition Map, together with some additional property.

In addition to the gas, and the rights associated with the development, production and removal of the gas, Pacific was granted the right to use "all **presently existing roads** located on the property of the grantor, which **are necessary or convenient in the operations of the grantee**" (Emphasis added).

During our meetings with County Staff we reviewed a 1938 aerial photograph obtained by County Staff and discovered an "existing road" in place in 1938, which leads from South Patterson Avenue through, possibly, a southerly portion of assessor's parcel numbers (APNs) 65-230-17, northerly portions of APNs 065-250-34, 28 and 27, in a diagonal somewhat curved path traversing from or near the northeasterly corner to or near the southwesterly corner of APN 65-250-6, and along a westerly portion of APN 65-250-5 to the intersection with a point in the easterly line of APN 71-210-1 (SoCal Gas Co Property).

It should be noted that this particular right to use "presently existing roads" was not established of record for the benefit of a particular piece of land. Instead, the right to use the "presently existing roads on the property of the grantor" was for the purpose of supporting the grantee's gas exploration, development and removal operations.

## **Document Number 2**

By Document Number 2 First National conveys to Pacific **fee** title to the property known as APN 71-210-01 (SoCal Gas Co Property), which is a portion of Tract 1 of the More Partition Map. This transfer was made subject to the rights, interests and estates that had already been conveyed to Pacific by

## **Document Number 1.**

Additionally, First National conveyed to Pacific all rights of way owned by Grantor (First National) that are appurtenant to the property described in Exhibit "A" attached to **Document Number 2** or that are set forth on the More Partition Map, "as granted and set aside for road purposes in the deed of partition dated April 19, 1926, recorded in Book 94, Page 243 of Official Records....and as set forth and the deed of partition recorded in Book 392, Page 190 of Official Records".

The right of way for roadway purposes set forth on the More Partition Map, and granted, set aside and set forth in Book 94, page 243, and in Book 392, Page 190 is the 40 foot wide roadway depicted on the More Partition Map.

Prior to the recording of the deed described as **Document Number 2**, First National conveyed in fee to Harry and Virgie Bowman the property known as APN 071-190-36. This deed to Bowman was recorded on March 20, 1945, in Book 634, Page 484 of Official Records. It is important to note that a northerly portion of the 40 foot wide Road passes over a southerly portion of the land conveyed to Bowman. Therefore, in the deed to Bowman, First National reserved all rights of way, which fall within the 40 foot wide roadway for the benefit of the other lands owned by First National. By so doing, First National established of record in their deed to Bowman, that this section of the 40 foot wide is appurtenant to

the land that they owned at such time, which included together with other properties, the SoCal Gas Co Property.

Therefore, the following documents play the following roles in establishing of record a 40 foot wide right of way for road purposes that is appurtenant to the SoCal Gas Co Property:

- a. More Partition Map – this map depicts the route of the 40 foot wide right of way for road purposes
- b. Deed of Partition recorded in Book 94, Page 243 of Official Records. The document does not establish an easement of record because Miriam More at such time is the owner of record of all of the land that later becomes the dominant and servient tenement properties that are the subject of this memorandum. However, this document sets forth the metes and bounds description for the 40 foot wide right of way for road purposes that is depicted on the More Partition Map. Additionally, this document describes what we'll later define as the "westerly leg of the 40 wide right of way for road purposes" as appurtenant to Tract 1 of the More Partition Map. Keeping in mind that the SoCal Gas Co Property is a portion of Tract 1, this all will fit together nicely.
- c. The Deed of Partition recorded on April 17, 1937, in Book 392, Page 190 of Official Records. By this document the SoCal Gas Co Property, the Bowman property, and other property, including but not limited to APNs 65-250-5, 6 and a southerly portion of 28 are transferred to Miriam More. In this same document APN 65-250-27, 34 and a northerly portion of 28, together with other property are transferred to Miriam More. This Deed of Partition was made "subject to the further grant herein and hereby made to the grantees hereunder of a right of way for all the uses and purposes of a roadway appurtenant to the lands hereby conveyed to said grantees". In this particular document, the right of way is described with the same metes and bounds as set forth in Book 94, Page 243 and depicted on the More Partition Map. In short, this document established that the portion of the 40 foot wide right of way for road purposes lying within the lines of Mary More's property was appurtenant to the property of Miriam More, which at the time included the So Cal Gas Co Property, the Bowman Property and other property. This is the segment of the route that passes over northerly portions of APNs 65-250-27, 28 and 34.
- d. The Deed to Bowman recorded in Book 634, Page 484 of Official Records. As discussed above, by virtue of the reservation in the Bowman deed, this deed is the source document for that portion of the 40 wide right of way for road purposes, that passes over the southerly portion of APN 71-190-36, and, which is later granted as an easement appurtenant to the SoCal Gas Co property

What is the description for the portion of the 40 wide right of way for road purposes that is granted as an easement appurtenant to the SoCal Gas Co Property in **Document Number 2**?

As mentioned in item "B" above, Book 99, page 243 informs us that a certain segment of the 40 foot wide right of way for road purposes is appurtenant to Tract 1. Per said document, this is a segment that

“commences at a pipe survey monument set at the end of the 2<sup>nd</sup> course of description of the 40 foot right of way as shown on map of survey of a portion of the John F. More Estate, showing partition in accordance with the respective rights of the owners thereof, surveyed by F. F. Flournoy,.....Book 17, Record of Surveys, Pages 188 and 189..... thence 1<sup>st</sup> South 84°41” West, 481.00 Feet to a pipe survey monument; thence 2<sup>nd</sup> South 80° 01’ West, 553.2 feet to a pipe survey monument from which a 2” pipe survey monument with brass cap set at the end of the 9<sup>th</sup> course of description of Tract 1 as shown on said map bears South 1° 08’ West, 528.45 feet”.

The above describes the “westerly leg of the 40 wide right of way for road purposes”.

The westerly leg passes over northerly portions of APNs 65-250-34, 28, 27 and 6 and it passes over a southerly portion of APN 71-190-36 (Bowman).

This westerly leg of the 40 wide right of way for road purposes is the portion that is depicted on the More Partition Map, set forth in Book 94, page 243, described as appurtenant to Tract 1 of the More Partition Map in Book 94, page 243, established of record as an easement passing over the northerly portions of Mary More’s APNs 65-250-27 & 28 for the benefit of both the SoCal Co Property and the Bowman property (together with other property) in Book 392/190, reserved as an easement appurtenant to the SoCal Gas Co Property in deed to Bowman in Book 634, Page 484, and, at last, **granted to Pacific, as an easement appurtenant to the SoCal Gas Co Property, in paragraph (f) of Document Number 2.**

Enclosed for your convenience are copies of all of the recorded documents that are referred to herein.

## **Summary**

As mentioned above, while conducting my review of the materials presented to me by County Staff and during my research of the title plant property records I discovered two recorded documents, which establish of record easements for road purposes in favor of Pacific.

The easement for road purposes in favor of Pacific as described in **Document Number One**, which was recorded in 1941, is an easement to use certain existing roads. Certain existing roads appear on the 1938 aerial survey. Such roads appear to be in a location very similar to the roads existing on the ground today. However, the easement to use existing roads was not granted as an easement appurtenant to any specifically described land.

The easement for road purposes in favor of Pacific as described in **Document Number Two**, which was recorded in 1945 is an easement to use a certain 40 wide roadway that is well depicted on a Record of Survey and that is described of record with a metes and bounds description in two Partition Deeds. Such easement was defined, reserved and granted of record as an easement appurtenant to the SoCal Gas Co Property. However, such roadway easement apparently does not exist on the ground at this time.

It is my hope that this memorandum has provided you with information that is helpful to you.

Please do not hesitate to contact me with any additional requests or questions regarding this matter.

Sincerely,

John Hebda

Hebda Property & Title Solutions

Cc: Ronn Carlentine  
Nancy Minick  
Kevin Drude