

Recording requested by
and to be returned to:
County of Santa Barbara
Surveyors Office
Will Call
Attn: JJH

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

No fee pursuant to
Government Code § 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 033-042-018

EASEMENT DEED
(PERMANENT EASEMENT)

CITY OF SANTA BARBARA DEED NO. 61-342; ORDINANCE NO. 5496

THE CITY OF SANTA BARBARA, a municipal corporation of the State of California, owner of all that real property in the City of Santa Barbara, County of Santa Barbara, State of California, commonly referred to as the Moreton Bay Fig Tree property, and more particularly described as County Assessor's Parcel Number 033-042-018, as GRANTOR herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a dependent special district, its successors and assigns, as GRANTEE herein, a permanent subsurface easement and right of way for flood control purposes, including but not limited to the construction, reconstruction, operation, repair, and maintenance of a flood control culvert and related public improvements as specified in the plans approved by the City of Santa Barbara C-1-4594, together with the necessary rights of ingress, egress and access to the easement for the above-referenced purposes, in, on, over, along, under and through portions of those certain lands situated in the County of Santa Barbara, State of California, owned by GRANTOR, the City of Santa Barbara, said lands being described in the Corporation Grant Deed recorded on January 11, 1997, as Instrument No. 77-001512 of Official Records (the "Park Property") as specified and limited below. Said permanent subsurface easement and right of way for flood control purposes is a strip of land more particularly described on Exhibit "A" and shown on Exhibit "B" attached hereto and incorporated herein by this reference.

If any construction, reconstruction, operation, repair, or maintenance of the flood control culvert by GRANTEE requires excavation of the Park Property in the easement area, or alters or damages any improvements on the Park Property or the ingress or egress within or without the easement area, GRANTEE shall, at GRANTEE'S sole cost and expense: (1) restore the surface of the Park Property and the ingress or egress to the same or better condition existing prior to any construction, reconstruction, operation, repair, or maintenance of the flood control culvert, and; (2) repair or replace any improvements altered or damaged by such construction, reconstruction, operation,

repair, or maintenance of the flood control culvert. GRANTEE shall provide reasonable written notice to GRANTOR prior to beginning any construction, reconstruction, operation, repair, or maintenance of the flood control culvert and related public improvements.

The preservation and protection of the City Landmark Moreton Bay Fig Tree located on the Park Property adjacent to the easement area is an important concern of GRANTOR. In order to preserve and protect the Park Property and the Moreton Bay Fig Tree which are not in the easement area, GRANTEE shall not do any of the following without the prior written approval of the City Park and Recreation Director or the Director's designee (which approval shall not be unreasonably withheld):

1. Drive or park any vehicle or heavy equipment on the Park Property except within developed streets or driveways;
2. Excavate or damage the surface or subsurface of the Park Property or alter any improvements on the Park Property; or
3. Store any construction materials or equipment on the Park Property.

GRANTEE shall comply with any conditions specified in any required approval or permit applicable to GRANTEE relating to the construction, reconstruction, operation, repair, or maintenance of the flood control culvert.

Grantee, at its sole cost and expense, shall repair and maintain the flood control culvert and any related public improvements placed within the easement area in a safe and good working condition. The GRANTOR and its successors in interest retain the right to use the surface of the easement area and the Park Property for all municipal, recreation, and park purposes so long as such use does not unreasonably interfere with GRANTEE'S use of the subsurface easement. In addition, GRANTOR may specifically operate and maintain the Park Property and surface of the easement area for park and recreation purposes.

The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the heirs, successors, assigns and personal representatives of the respective parties hereto.

DATED AS OF: August 20, 2009

[SIGNATURE PAGE FOLLOWS]

EASEMENT DEED
(PERMANENT EASEMENT)
SIGNATURE PAGE

Approved as to Content:

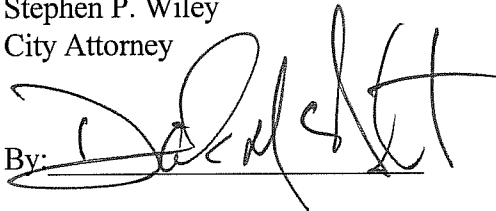


Public Works Director

Approved as to Form:

Stephen P. Wiley

City Attorney

By: 

GRANTOR:

THE CITY OF SANTA BARBARA, a municipal corporation of the State of California

By:  _____

Print Name: James L. Armstrong

Title: City Administrator

ACKNOWLEDGMENT

State of California
County of Santa Barbara

On July 22, 2009, before me, Elizabeth Schultz, a
(Name of Notary)

Notary Public, personally appeared Christine F. Andersen, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that ~~he~~/~~she~~/~~they~~ executed the same in ~~his~~/~~her~~/~~their~~ authorized capacity (~~ies~~), and that by ~~his~~/~~her~~/~~their~~ signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and Official seal.

Signature: Elizabeth Schultz (Seal)

CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS. § 27281

THIS IS TO CERTIFY that the interest in real property conveyed by the EASEMENT DEED (PERMANENT EASEMENT) dated as of August 20, 2009, from THE CITY OF SANTA BARBARA, a municipal corporation of the State of California, to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special dependent district, is hereby accepted by Order of the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District on _____, and the Santa Barbara County Flood Control and Water Conservation District as GRANTEE consents to recordation thereof by its duly authorized officer.

WITNESS my hand and official seal

this _____ day of _____.

MICHAEL F. BROWN,
CLERK OF THE BOARD and
Ex Officio Clerk of the Board of
Directors of the Santa Barbara
County Flood Control and Water
Conservation District

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS MARSHALL
COUNTY COUNSEL

By: _____


Kevin E. Ready, Sr.
Deputy County Counsel

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF Santa Barbara)

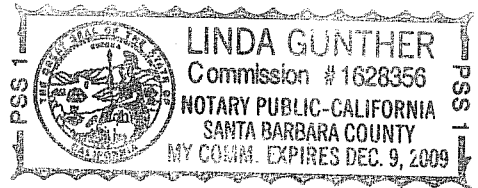
On 8/19/2009 before me, Linda Gunther, Notary Public
personally appeared James L. Armstrong

, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Linda Gunther



[Seal]

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____ before me, _____,
personally appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____

[Seal]

Legal Description

A strip of land 60.00 feet wide being a certain portions of Block 288 and Block 289 according to the Official Map of the City of Santa Barbara, also portions of Chapala Street as recorded in Grant Deed, Parcels One, Two and Three, dated January 17, 1997 as Instrument Number 97-002986 of Official Record, filed in the Office of the County Recorder, in the City of Santa Barbara, County of Santa Barbara, State of California, the centerline of which is described as follows:

COMMENCING at lead and tag marked "LS 3804 as shown on recorded map as "P&S CP 209" in Book 172, Page 10 of Record of Survey filed in said Recorder Office, and being the most Easterly Corner of Block 288;

1. Thence, along the southeast line of said Block 288 South $42^{\circ}25'50''$ West 445.88 feet to a point hereinafter referred to as Point "A" having a coordinate value North 1976993.92, East 6051133.71;
2. Thence, leaving said southeast line North $71^{\circ}57'14''$ West 70.78 feet to a tangent curve concave to the northeast having a radius of 100.00 feet;
3. Thence, northwesterly along said curve 42.08 feet through a central angle of $24^{\circ}06'31''$;
4. Thence, North $47^{\circ}50'40''$ West 91.56 feet to a tangent curve concave to the south having a radius of 80.00 feet;
5. Thence, Westerly along said curve 90.84 feet through a central angle of $65^{\circ}03'31''$;
6. Thence, South $67^{\circ}05'49''$ West 63.98 feet to a tangent curve concave to the north having a radius of 100.00 feet;
7. Thence, Westerly along said curve 69.66 feet through a central angle of $39^{\circ}54'44''$;
8. Thence, North $72^{\circ}59'27''$ West 58.58 feet to the southerly line of land shown on Corporation Grant Deed recorded January 11, 1977 as Instrument Number 1977-001512 of Official Record filed in the Office of said County Recorder and being the TRUE POINT OF BEGINNING
9. Thence, North $72^{\circ}59'27''$ West 16.80 feet to a tangent curve concave northeast having a radius 300.00 feet;
10. Thence, northwesterly along said curve 43.30 feet through a central angle of $8^{\circ}16'12''$ to the northwest line of said Block 288 and end of said described centerline

Offset lines lengthen or shorten within the boundary of the grantors.

Unless otherwise noted, all bearing and distance in this legal description are grid, based on the California Coordinate System of 1983, Zone 5, 1991.35 Epoch Adjustment as shown in recorded map Book 172 Page 10 and 11 Record of Survey, which is based on Santa Barbara Control Network Survey recorded in Book 147, Page 70 through 74 filed in the Office of the County Recorder in said County.

Multiply distances by 1.000055750 to obtain ground level distance (combined Scale Factor calculated at P&S Control Point [CP] 209 in said Book 172 Page 10 Record of Survey. Coordinate value at CP 209; North 1977323.03, East 6051434.55, Elevation 13.99 (Vertical Datum based on NAVD 88)

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.

Edmund R. Villa

Edmund R. Villa



May 22, 2008
Date:

EXHIBIT B

101

U.S. HIGHWAY

3611
Sq. Feet

MONTECITO ST.

TRUE POINT
OF BEGINNING

END
N=1977121.88
E=6050638.04

033-042-017

033-010-013

03-041-015

033-041-004

033-041-003

033-041-002

033-041-001

033-042-018

033-042-014

033-042-001

033-042-002

033-042-003

033-042-004

033-042-005

033-042-006

033-042-007

033-042-011

033-042-011

033-042-012

033-010-011

033-010-014

033-041-012

033-041-013

POINT "A"
N=1976993.92
E=6051133.71

033-074-001

033-074-002

074-013

074-011

SCALE
1 inch = 100 ft

AVE

COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS
COUNTY SURVEYOR'S OFFICE

60' FLOOD CONTROL EASEMENT

MISSION CREEK

SANTA BARBARA COUNTY, CALIFORNIA

FEBRUARY 2008

APN 033-042-018



THIS MAP WAS PREPARED BY ME, OR
UNDER MY DIRECTION, IN
CONFORMANCE WITH PROFESSIONAL
LAND SURVEYORS ACT.

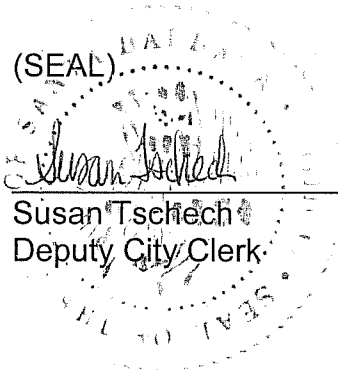
EDMUND R. VILLA

DATE 5/22/08

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA)
)
CITY OF SANTA BARBARA) ss.

I, Susan Tschech, Deputy City Clerk in and for the City of Santa Barbara, California, DO HEREBY CERTIFY that attached is a full, true and correct copy of Ordinance No. 5496, adopted by the City Council of the City of Santa Barbara at their regular meeting held on July 21, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of said City to be affixed this 20th day of August, 2009.

(SEAL)

Susan Tschech

Susan Tschech
Deputy City Clerk

ORDINANCE NO. 5496

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING A GRANT OF EASEMENT TO SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THE LOWER MISSION CREEK PROJECT

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Grant of Easement to the County of Santa Barbara Water Conservation District, a political subdivision of the State of California, for the purposes of construction, access and maintenance of flood control improvements located on a portion of City-owned property known as Moreton Bay Fig Tree Park (APN 033-042-018) is approved pursuant to the City Charter, and the City Administrator is authorized to execute the same.

SECTION 2. Upon the effective date of the ordinance, the City Clerk is authorized to record said Easement in the Official Records in the Office of the County Recorder, Santa Barbara County.


ORDINANCE NO. 5496

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on July 14, 2009, and was adopted by the Council of the City of Santa Barbara at a meeting held on July 21, 2009, by the following roll call vote:

- AYES: Councilmembers Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams; Mayor Marty Blum
- NOES: None
- ABSENT: None
- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on July 22, 2009.



Cynthia M. Rodriguez
Cynthia M. Rodriguez, CMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on July 22, 2009.

Marty Blum
Marty Blum
Mayor