

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF INSTITUTING
PROCEEDINGS AND MAKING A
FINDING OF PUBLIC NECESSITY
FOR THE ACQUISITION OF
CERTAIN PROPERTY BY THE
COUNTY OF SANTA BARBARA

RESOLUTION NO. _____
(4/5 vote required)

**RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC
INTEREST AND NECESSITY REQUIRE THE ACQUISITION
OF CERTAIN LAND AND DIRECTING THE FILING OF
EMINENT DOMAIN PROCEEDINGS**

WHEREAS, the Toro Canyon Oil Water Separator Replacement Project (“Project”) is being undertaken for the purpose of replacing the historic oil water separator and containment system that was damaged by the Thomas Fire, the 1-9 Debris Flow, flooding and debris flows from the winter of 2023, with an up-to-date, reliable system designed for the unique and dynamic setting of Toro Canyon so as to prevent future failures during high flows as experienced during the winter of 2023, and to bring the system up to current Health & Safety code standards, which will serve to prevent potential future oil leaks from the facility into Toro Creek, protect resources and downstream property owners , and otherwise furthering protection of public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the County of Santa Barbara (“COUNTY”) to acquire easement interests in certain property more particularly described in **Exhibit “A”** and depicted in **Exhibit “B”** (the “Subject Property”), attached hereto and made a part hereof by this reference, for the Project and the ongoing monitoring and construction thereof; and

WHEREAS, the COUNTY is authorized to acquire easements over the Subject Project and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 *et seq.*, California Government Code Sections 25350.5 and 7267.2;

WHEREAS, the COUNTY has extended two offers to the owner of the Subject Property, which offers were in an amount not less than the appraised value of the Subject Property as determined by an appraisal; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the Subject Property, all of whom have been given a reasonable opportunity to appear and be heard before the Board of

Supervisors of the COUNTY at the time and place set forth in said notice, regarding the matters specified therein.

NOW, THEREFORE, IT IS FOUND, DETERMINED, RESOLVED AND ORDERED as follows:

1. The recitals contained herein are true and correct.
2. Upon examination of the alternatives, the COUNTY requires the Subject Property for the Project.
3. The COUNTY is authorized to acquire the Subject Property and continue to exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 *et seq.*, California Government Code Section 25350.5.
4. The public interest and necessity require the Project.
5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The Subject Property is necessary for the Project.
7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2.
8. The COUNTY has complied with all conditions and statutory requirements, including those prescribed by CEQA and that are necessary for approval and adoption of the Project.
9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the Subject Property described herein have been complied with by the COUNTY.
10. Insofar as the Subject Property has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use than the use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.
11. The County Counsel and Special Eminent Domain Counsel, as designated, are authorized and directed to perform all acts necessary on behalf of the COUNTY for the

acquisition of the Subject Property and to do any and all other things in connection with such proceedings as in his/her or their judgment may be necessary or convenient to the successful conclusion of said proceeding or proceedings, including obtaining of an Order for Immediate Possession, the preparation, filing, amendment, dismissal, etc. of all pleadings and stipulations that in the opinion of Counsel are necessary for the processing of the litigation.

- 12. The County Counsel and the Director of the Public Works Department are hereby authorized to expend funds available to the COUNTY for the acquisition of the Subject Property.

BE IT RESOLVED that the real property interest set forth in Exhibit "A", and shown in Exhibit "B", be acquired by eminent domain in the name of the COUNTY for public purposes, as specified herein and County Counsel and its Special Eminent Domain Counsel are hereby authorized, empowered, and directed to prepare and prosecute in the name of the COUNTY such proceeding or proceedings in the proper Court having jurisdiction thereof, as are necessary for such acquisition, and are authorized, at their discretion, to apply for an order or orders fixing the amount of such security in the way of money deposits as said Court may direct, and for an order or orders permitting said COUNTY to take immediate possession and use of said real property for the public purposes.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this the _____ day of August, 2023 by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

“COUNTY SANTA BARBARA”

By: _____
Das Williams, Chair
Board of Supervisors

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICER

By: _____
Sheila de la Guerra
Deputy Clerk

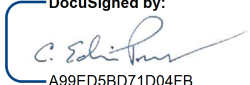
APPROVED AS TO FORM:

RACHEL VAN MULLEN
COUNTY COUNSEL

By: 
C156A3FB83F7454...
Johannah L. Hartley
Deputy County Counsel

APPROVED AS TO ACCOUNTING:

BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By: 
A99ED5BD71D04FB...
C. Edwin Price, Jr.
Deputy Auditor-Controller

APPROVED AS TO FORM:

GREG MILLIGAN, ARM
RISK MANAGER

By: 
53A8AAB798BA4D7...
Risk Management

EXHIBIT "A"
PERMANENT EASEMENT
TORO CANYON OIL SEPARATOR FACILITY ACCESS
PORTION OF APN: 155-020-041
LEGAL DESCRIPTION

Area 1:

A parcel of land situated in the South West 1/4 of Section 1 Township 4 North Range 26 West in the County of Santa Barbara, State of California, per the Official Plat thereof.

Said parcel more particularly described as:

BEGINNING at the North East Corner of Parcel A as described in Quitclaim Deed recorded July 22, 2015 as Instrument No. 2015-0039287 of Official Records of said County. Said corner being a point in the Westerly line of that parcel of land referred to as "Parcel Three" in Grant Deed recorded September 27, 1983 as instrument No. 83-51574 of Official Records and shown on that map recorded in book 85, page 94 of Records of Surveys, at the Easterly end of that described certain 2nd course of said Parcel A, thence;

- 1) South 19°03'24" East along the Easterly line of said Parcel A, a distance of 97.32 feet (South 17°57'43" East per said 85 RS 94) along the 3rd course of said Quitclaim Deed, thence;
- 2) South 06°16'56" East continuing along said Easterly line of said Parcel A, a distance of 126.90 feet (South 05°11'15" East per said 85 RS 94) along the 4th course of said Quitclaim Deed, thence;
- 3) North 16°08'52" West leaving said 4th course distance, a distance of 68.09 feet, thence;
- 4) North 07°35'31" West to a point on a line offset 13.00 feet, measured at right angles, lying on the Westerly side of said 3rd course, a distance of 58.38 feet, thence;
- 5) North 19°03'24" West along a line offset 13.00 feet, measured at right angles, lying on the Westerly side of said 3rd course, a distance of 100.42 feet, to the Northerly line of said Parcel A, thence;
- 6) South 89°45'45" East along the Northerly line of said Parcel A, a distance of 13.77 feet to the POINT OF BEGINNING.

Herein above described Area 1 contains approximately 2,406 Square Feet (0.055± acres), more or less.

Area 2:

A parcel of land situated in the South West 1/4 of Section 1 Township 4 North Range 26 West in the County of Santa Barbara, State of California, per the Official Plat thereof.

Said parcel more particularly described as:

COMMENCING at the Southerly end of that described certain 5th course of above said Parcel A of said Quitclaim Deed recorded July 22, 2015 as Instrument No. 2015-0039287 of Official Records of said County. Said 5th course being a segment in the Easterly line of Said Parcel A, being a segment in said Westerly line of said parcel of land referred to as "Parcel Three" in Grant Deed recorded September 27, 1983 as instrument No. 83-51574 of Official Records and shown on said map recorded in book 85, page 94 of Records of Surveys, thence;

S1057_720861_PermEasement
Oil Separator Facility Access
Toro Canyon
Portion of APN: 155-020-041

Page 1 of 2 Pages

South 04°57'57" West along the Easterly line of said Parcel A, a distance of 82.78 feet (South 06°03'38" West per said 85 RS 94) along the 6th course of said Quitclaim Deed to a point, said point being the **TRUE POINT OF BEGINNING**, thence;

- 1) South 37°21'50" West leaving said Easterly line of said Parcel A, a distance of 39.40 feet to the beginning of a curve concave Northeasterly, with a radius of 25.00 feet, thence;
- 2) Southwesterly Southerly and Southeasterly along the arc of said curve a distance of 53.41 feet thru a central angle of 122°23'53" to intersect, with said Easterly line of Parcel A in said 6th course of said Quitclaim Deed, a radial line from the radial center of said curve to said intersect bears South 04°57'57" West; thence
- 3) North 04°57'57" East along the Easterly line of said Parcel A, a distance of 25.00 feet to the radial center of said curve; thence
- 4) North 04°57'57" East continuing along said Easterly line of Parcel A, a distance of 46.66 feet to the TRUE POINT OF BEGINNING.

Herein above described Area 2 contains approximately 1,160 Square Feet (0.027± acres), more or less.

Area 1 & Area 2, combined containing 3,566 Square Feet (0.082± acres), more or less.

A Sketch of the herein above described land is depicted on Exhibit "B", being 1 sheet, attached hereto and made a part hereof.

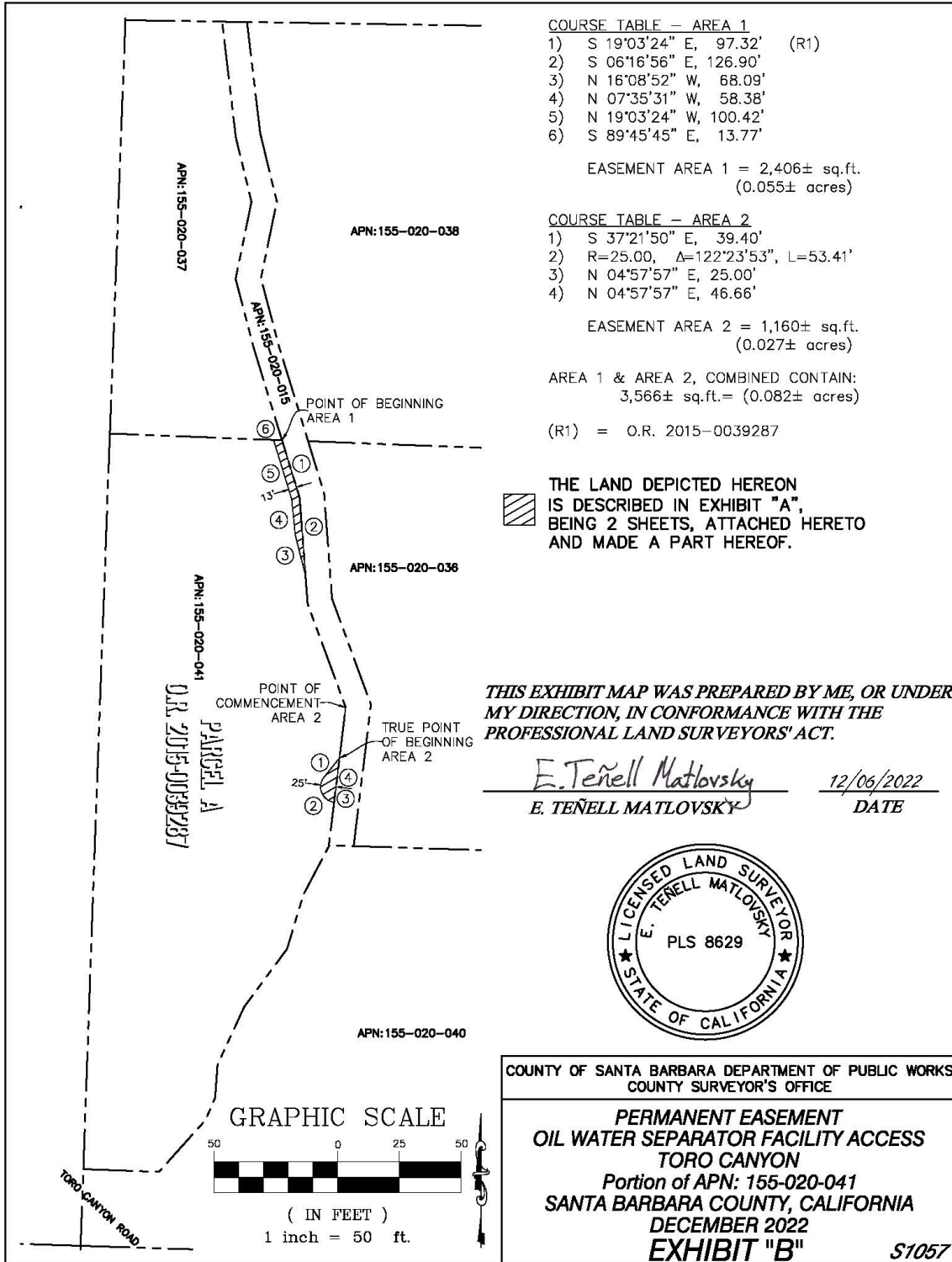
End of Description

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

E. Tenell Matlovsky
 E. Tenell Matlovsky, PLS 8629



12/06/2022
 Date



COURSE TABLE - AREA 1

- 1) S 19°03'24" E, 97.32' (R1)
- 2) S 06°16'56" E, 126.90'
- 3) N 16°08'52" W, 68.09'
- 4) N 07°35'31" W, 58.38'
- 5) N 19°03'24" W, 100.42'
- 6) S 89°45'45" E, 13.77'

EASEMENT AREA 1 = 2,406± sq.ft.
(0.055± acres)

COURSE TABLE - AREA 2

- 1) S 37°21'50" E, 39.40'
- 2) R=25.00, Δ=122°23'53", L=53.41'
- 3) N 04°57'57" E, 25.00'
- 4) N 04°57'57" E, 46.66'

EASEMENT AREA 2 = 1,160± sq.ft.
(0.027± acres)

AREA 1 & AREA 2, COMBINED CONTAIN:
3,566± sq.ft. = (0.082± acres)

(R1) = O.R. 2015-0039287

THE LAND DEPICTED HEREON IS DESCRIBED IN EXHIBIT "A", BEING 2 SHEETS, ATTACHED HERETO AND MADE A PART HEREOF.

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

E. Teñell Matlovsky
E. TEÑELL MATLOVSKY

12/06/2022
DATE



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

**PERMANENT EASEMENT
OIL WATER SEPARATOR FACILITY ACCESS
TORO CANYON
Portion of APN: 155-020-041
SANTA BARBARA COUNTY, CALIFORNIA
DECEMBER 2022
EXHIBIT "B"**

S1057