

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: January 29, 2002
Department Name: Public Works
Department No.: 054
Agenda Date: February 12, 2002
Placement: Administrative
Estimated Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

STAFF CONTACT: Bret Stewart, Manager, 568-3232
Traffic Section

Jason Sunukjian, 568-3217
Real Property

SUBJECT: Vacation of a portion of Saint Joseph Street – Easterly 30’ of the northern terminus of Saint Joseph Street, and Westerly 40’ of the northern terminus of Saint Joseph Street, Los Alamos; County Project No. 762006 (Real Property Folio # YS 3311), Third Supervisorial District

Recommendation(s):

That the Board of Supervisors:

1. Adopt the attached Resolution of Order to Vacate a portion of the County’s easement interest in the abandonment of the easterly 30’ of the northern terminus of St. Joseph Street (the portion adjacent to APN 101-110-40), which portion of the road right-of-way is no longer needed by the public for road or bike path purposes.
2. Adopt the attached Resolution of Order to Vacate a portion of the County’s easement interest in the abandonment of the westerly 40’ of the northern terminus of St. Joseph Street (the portion adjacent to APN 101-110-38), which portion of the road right-of-way is no longer needed by the public for road or bike path purposes.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1: An Efficient Government Able to Respond Effectively to the Needs of the Community.

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Executive Summary and Discussion:

Because there will be a vacation of the County's easement interest on two separate parcels, and consequently, a transfer of ownership interest of the road right-of-way property to two different owners, two separate Order to Vacate documents have been prepared. However, both actions, as referenced above under the Recommendations section, are being considered under this one Board Letter.

The County holds an easement interest in a portion of Saint Joseph Street adjacent to APN 101-110-040 approximately 6,339 square feet in size. The County also holds an easement interest in a portion of Saint Joseph Street adjacent to APN 101-110-38 approximately 8,451 square feet in size. These portions of road property are hereinafter referred to as the "COUNTY Property." The Public Works Department has found that the COUNTY Property is not needed by Public Works for present or future use as a road, bike path, or for any other use.

On November 30, 2001, in the matter of a Planning Commission Hearing regarding the Harmony Homes Project (APN 101-110-36, 38), the Commission voted 5-0 to approve the conditions of TM 14,550 and 00-DP-012, which allows the development of several homes on said parcels. One of those conditions, Condition 29 of the Tentative Map Approval, requires the Developer to obtain title to the easterly portion of the road right-of-way from the adjacent owner (the developer of Oakridge Homes). An agreement has already been executed between these two developers for the transfer of the easterly portion of St. Joseph Street lying within APN 101-110-40 once the road vacation is complete. Additionally, per the Development Plan and Tract Map, the Developer is also re-routing the existing paper road right-of-way (the subject portion of Saint Joseph Street) and constructing a new road right-of-way. The vacation of the COUNTY Property will facilitate these actions.

On January 22, 2002, the Board of Supervisors adopted Resolution 02-033, a Resolution of Notice of Intent to Vacate a County Road, providing notice to the public that the County intends to dispose of the COUNTY Property (Clerk of the Board File No. 02-00111). The Board of Supervisors also set the date of February 12, 2002, as the hearing date for parties interested in the road vacation to comment on the proposed road vacation.

On Monday, February 4th, and on Monday, February 11th, the Public Works Department published notice of the Board's intention to vacate the subject portions of Saint Joseph Street and notice of the February 12th hearing date in the Santa Maria Times pursuant to California Streets and Highways Code Section 8322(a).

The Public Works Department also posted notice of the Board's intention to vacate the subject portions of Saint Joseph Street and notice of the February 12th hearing date conspicuously along the subject portions of road to be vacated for two (2) weeks prior to the February 12th hearing date pursuant to Streets and Highways Code Section 8323.

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In the event the Board elects to proceed with the road vacation by adopting each of the attached Orders to Vacate the subject portions of Saint Joseph Street, said Orders to Vacate will be recorded at the Office of the County Recorder by the Facilities Services on behalf of the Public Works Department. Upon recordation of these documents, the road vacation will be complete.

CEQA and Government Code Section 65402 Information:

The County Planning Commission, in their hearing on November 28, 2001, approved the CEQA findings for the Harmony Homes Project in accordance with the California Environmental Quality Act (CEQA). The portion of roadway being vacated by the County is part of the Harmony Homes project, and therefore, was approved as part of this project.

The real property vacation and conveyance, contemplated by the Planning Commission as part of the Harmony Homes Project, has been found to be in compliance with the County's adopted General Plan pursuant to Government Code Section 65402.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

As part of the conditions of approval of Tract Map 14,550, the Developer of Harmony Homes is required to construct a new private roadway (in a different location) to compensate for the vacation of the subject portion of Saint Joseph Street. The Traffic Section has determined that this new roadway to be constructed will be sufficient to accommodate the vehicular traffic requiring ingress and egress to the Harmony Homes development.

There will be no financial impact as the County is merely removing its easement interest in the road property.

Special Instructions:

After Board action, distribute as follows:

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| 1. | Original Orders to Vacate | Facilities Services,
Attn: Jason Sunukjian |
| 2. | Copy of Orders to Vacate | Clerk of the Board File |
| 3. | Copy of Orders to Vacate | County Surveyor's Office |
| 4. | Minute Order | Facilities Services,
Attn: Jason Sunukjian |

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| 5. | Minute Order | Transportation Division,
Attn: Bret Stewart |
| 6. | Minute Order | County Surveyor's Office |

In the event the Board adopts the vacation of a portion of Saint Joseph Street, Facilities Services (on behalf of the Public Works Department) will record both of the original Orders to Vacate with the Office of the County Recorder.

Concurrence:

County Counsel