



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

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

Department Name: Public Works
Department No.: 054
For Agenda Of: September 21, 2010
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Scott D. McGolpin, Director Public Works, 568-3010
Contact Info: Dacé Morgan, Deputy Director, Transportation, 568-3064
Michael Emmons, County Surveyor, 568-3034
**SUBJECT: Sale and Grant Deed of a Portion of North Refugio Road Fee, Santa Ynez;
Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A) Approve the filing of a Notice of Exemption, pursuant to California Environmental Quality Act (CEQA) guidelines Section 15312, pertaining to minor alteration of existing facilities (POST), regarding the sale of the fee underlying a portion of the North Refugio Road right-of-way, adjacent to APN 141-060-011 in the unincorporated area of the County of Santa Barbara, near Santa Ynez; and
- B) Approve and authorize the Chair to execute the attached Grant Deed with Reservations regarding the above referenced portion of the North Refugio Road fee running through or adjacent to Santa Barbara County Assessor parcel number 141-060-011. The area of the proposed Grant Deed is shown on the Exhibit attached to the Grant Deed.

Summary Text:

The County of Santa Barbara is the fee owner of that certain road in the unincorporated area of the County of Santa Barbara, State of California, commonly identified as North Refugio Road, (herein the "Road"). The owners of Santa Barbara County parcel number 141-060-011 (1881 North Refugio Road, herein the "Property") need fee ownership of a portion of the Road right-of-way adjacent to their Property in order to complete a lot split, and have agreed to pay for that fee ownership. The portion of

the Road located in front of and adjacent to the Property is approximately 5,930.6 square feet (herein the "Portion"). The Property and the Portion can be seen on the Exhibit attached to the Grant Deed.

If executed and recorded the Grant Deed will allow the area within the Portion to be legally added to the Property. The public and utility rights to use and maintain the right-of-way within the Portion are specifically reserved from the Grant Deed and will not be transferred. The Grant Deed will have no impact on the public's continued use of the Portion or of the North Refugio Road right-of-way.

Background:

The County of Santa Barbara (hereinafter the "COUNTY") is the fee owner of North Refugio Road, (herein the "Road"). The Road was dedicated to the COUNTY for public use via Book 40, page 207 of Deeds, and in the Dedication found on Rack 3, Map 4 (Canada De Los Pinos) by the Santa Ynez Land and Improvement Company, recorded October 12, 1895 in the Office of the County Recorder of the County of Santa Barbara.

When the Property was originally created, the County and the developer believed that North Refugio Road was held by the County of Santa Barbara in easement and thus included a portion of that right-of-way within the Property's 10-acre boundary. It was later determined by County Counsel that the Road is in fact held by the County in fee. However local title companies informed the owners of the Property that the Portion adjacent to their Property is held by the County as an easement. Based on that information the owners believed the Property was large enough to qualify for a lot split and applied to the County for a Tentative Parcel Map to subdivide the Property. During the review process the owners were informed that the Road is owned by the County in fee and thus the Property was too small to subdivide.

At that point the owners of the Property approached the County and asked for the fee to be abandoned so that the Portion could be added back into the total acreage of the Property. County staff researched the question and noted that records indicate that the original developer of the Property intended to create a 10 acre parcel, and that only after the Property had been created was it determined that the County owned the Road in fee thus reducing the size of the Property.

If executed and recorded the Grant Deed will vest ownership of the fee within the Portion to the Property making it 10 acres in size, thus allowing the owners of the Property to pursue the Tentative Parcel Map. The Portion is approximately 5,930.6 square feet in size. Real Property negotiated with the owners of the Property who have agreed to pay \$1,340.32 for the fee ownership of the Portion. If the Board approves execution of the Grant Deed, the owners of the Property will be required to work with the Surveyor's Division of Public Works to legally incorporate the Portion into the Property.

Real Property posted a notice on the Portion to inform the public of the date of this proposed action by the Board of Supervisors.

Public Works Transportation has no objection to the proposed abandonment/ sale of the Portion. The Planning Commission at its regular meeting of June 30, 2010 found that the proposed abandonment and sale complies with applicable CEQA guidelines, and is in conformance with the County's adopted General Plan (65402) as the proposed action does not reduce or impact the Public's use of the road right-of-way easement in any way, thus it is in compliance with the recently adopted Santa Ynez Community Plan.

Fiscal and Facilities Impacts:

Budgeted: Yes

Narrative:

The applicants paid for the County staff time needed to facilitate this transaction. The purchase price of the Portion is \$1,340.32, which has been deposited into Road Fund 0015. There are no Facilities impacts associated with the proposed actions. There are no structures on the Portion and the North Refugio Road right-of-way and improvements will not be impacted.

Staffing Impacts:

Legal Positions

None

FTEs:

None

Special Instructions:

Clerk of the Board, please distribute as follows:

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|----|--------------------------|---------------------------------|
| 1. | Original Grant Deed | Public Works, Attn: Jeff Havlik |
| 2. | Copy of Grant Deed | Clerk of the Board Files |
| 3. | Copy of the stamped CEQA | Public Works, Attn: Jeff Havlik |
| 4. | Minute Order | Public Works, Attn: Jeff Havlik |

The Real Property Section of the Surveyor's Division will deliver the original Grant Deed to the County Recorder's office for recordation. Once the Grant Deed has been recorded, Real Property will return the original to the Clerk of the Board. Real Property will deliver copies to the property owners and appropriate Divisions within the County, as well as retain a copy in its files.

Attachments:

Grant Deed

Authored by:

Jeff Havlik, Real Property Agent, Public Works - Surveyors Division, 568-3073

cc:

Bret Stewart, Senior Development Engineering Manager, Public Works - Surveyors Division, 568-3041