



**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

Submitted on:
(COB Stamp)

Department Name: CEO
Department No.: 012
For Agenda Of: 9/12/06
Placement: Administrative
Estimate Time:
Continued Item: YES
If Yes, date from: 8/8/06
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Michael F. Brown, County Executive Officer
Contact Info: Ron Cortez, Deputy County Executive Officer, 568-3400

SUBJECT: Updated Detachment of Lot F (Rice Ranch) from Orcutt Community Facilities District, 4th District

County Counsel Concurrence:

As to form/legality: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Recommended Action(s):

- (A) Rescind Resolution No. 06-251, which amended the Orcutt Community Facilities District Boundary Map to detach Rice Ranch "Lot F" from the Orcutt Community Facilities District (OCFD).
- (B) Adopt the attached Resolution Amending the Orcutt Community Facilities District Boundary Map and Amending the Notice of Special Tax Lien to detach Rice Ranch "Lot F" (APN 101-380-04) from the Orcutt Community Facilities District (OCFD).

Summary:

On August 8, 2006, the Board of Supervisors adopted a Resolution Amending the Orcutt Community Facilities District Boundary Map and Amending the Notice of Special Tax Lien in order to detach Rice Ranch "Lot F" (APN 101-380-04) from the Orcutt Community Facilities District (OCFD). However, upon recordation of the amended boundary map by the County Surveyor, it was discovered that the map (Exhibit 2) referenced in the resolution contained various discrepancies. Since the adoption of the resolution also implied adoption of the incorrect map, it is requested that the Board rescind the original resolution (and its correlated map) and adopt a new resolution that would only amend the current OCFD boundary to detach "Lot F", which was the original intention of the Board.

Background:

"Lot F" consists of 20 acres on the most southern section of the Rice Ranch property. When Texaco sold the Rice Ranch property in 1996, the original sale agreement required that "Lot F," once created by the Master Rice Ranch Map, be transferred back to Texaco or its successor. The Rice Ranch Final Master Map TM 14,636 and the Development Agreement for the Rice Ranch project were approved by the Board of Supervisors on December 9, 2003. However "Lot F", which was to be open space and revert back to its prior owner, was inadvertently included as part of the Development Agreement. The Board of Supervisors approved the partial release of "Lot F" from the Rice Ranch Development Agreement on April 11, 2006. On August 8, 2006, the Board of Supervisors adopted a resolution with the expressed intention of detaching "Lot F" from the Orcutt Community Facilities District. The Orcutt Community Facilities District No. 2002-1 was formed on October 8, 2002 as a special financing entity to pay for the cost of providing certain County services (fire and sheriff protection services, maintenance of parks, parkways and open space, and flood and storm protection services) to the Orcutt area through the annual levying of a special tax rate on developed and graded property located within the

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boundaries of the district. The boundary of the OCFD was amended on August 21, 2006 to reflect the Board approved annexation of Old Mill Run into the district.

Modification of the boundaries of the district is addressed in California Streets and Highways Code. Specifically, as per Section 3113, the amended map must be approved by the Board via resolution and, per Section 3117.5(a), "In the event of amendment of modification of, or annexation to, the boundaries of a community facilities district, an amendment to the Notice of Special tax Lien shall be prepared and recorded under the procedure of Section 3114.5."

Fiscal and Facilities Impacts:

There is no fiscal impact associated with detaching this parcel from the Orcutt Community Facilities District. This parcel has not been levied any Special Taxes as it is undeveloped. Since "Lot F" is intended to be an open space lot, the County would not realize any Special Tax on this parcel in the future.

Budgeted: Yes No

Fiscal Analysis:

Staffing Impact(s):

Legal Positions:

0

FTEs:

0

Special Instructions:

As per California Streets and Highways Code Section 3113, direct the Clerk of the Board to file the amended map showing the modification of boundaries of the district with the county recorder no later than 10 days after the resolution approving the amended boundary." The County Recorder shall endorse the amended map as per Section 3110 and 3112.

Send a certified minute order and resolution to Sharon Friedrichsen in the County Executive Office.

Attachments: (list all)

Attachment A: Revised Resolution Modifying the Orcutt Community Facilities District Boundary Map and Amending the Notice of Special Tax Lien

Authored by:

Sharon Friedrichsen 568.3107

cc: Marie LaSala, County Counsel

Michael Emmons, Surveyor

Diane Meester, Planning & Development

Laurie Tamura, Urban Planning Concepts

Attachment A
RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA

RESOLUTION NO. _____

RESCIND RESOLUTION NO. 02-651 AND AMEND COMMUNITY FACILITIES DISTRICT NO. 2002-1 BOUNDARY MAP AND THE NOTICE OF SPECIAL TAX LIEN (Removal of Rice Ranch “Lot F”, APN 101-380-04)

WHEREAS, the Board of Supervisors (the “Board of Supervisors”) of the County of Santa Barbara (the “County”) has formed Community Facilities District No. 2002-1 (Orcutt Community Plan) (the “Community Facilities District”), under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Act”); and,

WHEREAS, the Board of Supervisors also approved the Recording of Notice of Special Tax Lien on October 8, 2002 through Resolution No. 02-355;

WHEREAS, the real property described in Exhibit 1 attached hereto (the “Property”) is a twenty acre parcel known as “Lot F,” which is located within the boundaries of the Community Facilities District No. 2002-1;

WHEREAS, Section 1.2 of the Rice Ranch Specific Plan and Condition 1M of the Conditions of Approval for Tract Map 14,636 anticipated that the Property would ultimately be reconveyed by the current owner to the prior owner of the Property. Such reconveyance could only be completed once the Property was created as a separate legal parcel in accordance with the provisions of the California Subdivision Map Act. At the time of recordation of the Notice of the Special Tax Lien, the Property was not yet a separate legal parcel and therefore could not be excluded from the legal description of the property encumbered by the lien of the special tax described in the Notice of Special Tax Lien. Once the Property was legally created, it would no longer be subject to the lien of the special tax described in the Notice of Special Tax Lien;

WHEREAS, the Board of Supervisors, as the legislative body of the Community Facilities District, is authorized under California Streets and Highways Code Section 3113 to amend the community facilities district boundary map through said Resolution;

WHEREAS, California Streets and Highways Code Section 3117.5 (a) states “In the event of amendment of modification of, or annexation to, the boundaries of a community facilities district, an amendment to the Notice of Special Tax Lien shall be prepared and recorded under the procedure of Section 3114.5. In the listing of property owners, the amended notice need only list separately the names of the owners and assessor’s parcel numbers of parcels being added to the district and the names of the owners and assessor’s tax parcel numbers of parcels being excluded from the district. This amendment need not supersede the existing notice.”

WHEREAS, the Board of Supervisors adopted Resolution No. 06-251 on August 8, 2006 to amend the boundaries of Community Facilities District No. 2002-1 to detach the Property from Community Facilities District No. 2002-1 and amend the Notice of Special Tax Lien to detach from the Property the lien of the Special Tax described in the Notice of the Special Tax Lien; WHEREAS, the Exhibit Map in Resolution No. 06-251 did not conform to the boundary of Community Facilities District No. 2002-1 as referenced by the map entitled, “Proposed Boundary of Community Facilities District No. 2002-1, County of Santa Barbara, State of

Attachment A

California,” filed for record in the office of the County of Santa Barbara on 8 October, 2002, in Book 4 of Maps of Assessment and Community Facilities Districts at page 23;

WHEREAS, since the adoption of Resolution No. 06-251 the “Proposed Boundary of Community Facilities District No. 2002-1” has been amended to include an annexation (“Annexation No. 1”) into Community Facilities District No. 2002-1 and a map entitled “Amended Boundary of Community Facilities District No. 2002-1, County of Santa Barbara, State of California,” has been filed for record in the office of the County of Santa Barbara on 21, August, 2006, in Book 4 of Maps of Assessment and Community Facilities Districts at page 38-39; and,

WHEREAS, the Board of Supervisors, intends to amend the current boundary of Community Facilities District No. 2002-1 to detach the Property from the Community Facilities District No. 2002-1 as depicted in Exhibit 2 attached hereto and amend the Notice of Special Tax Lien to detach from the Property the lien of the Special Tax described in the Notice of the Special Tax Lien.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara as follows:

1. The Board of Supervisors rescinds Resolution No. 06-251 and any amendment to the boundary of Community Facilities District No. 2002-1 expressed by said Resolution.
2. The Board of Supervisors, acting as the legislative body of Community Facilities District No. 2002-1, amends the existing boundary of Community Facilities District No. 2002-1 to detach the Property, and only said, Property.
3. The Board of Supervisors, acting as the legislative body of Orcutt Community Facilities District No. 2002-1, has determined that the special tax and lien imposed upon the Property and imposed by the Notice of the Special Tax Lien recorded on October 8, 2002 as Instrument No. 2002-0103999 of the records of the County Recorder of Santa Barbara County, State of California (the “Notice of Special Tax Lien”) is extinguished as it related to the Property, pursuant to Government Code Section 5330.5.
4. The recordation of this amendment to the Notice of Special Tax Lien shall have no effect upon the lien imposed upon property located within Orcutt Community Facilities District No. 2002-1 other than the Property.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 12th day of September 2006, by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

Joni Gray, Chair, Board of Supervisors
County of Santa Barbara

Attachment A

ATTEST:
CLERK OF THE BOARD
MICHAEL J. BROWN

By _____
Deputy Clerk

APPROVED AS TO FORM:
STEPHEN S. STARK
COUNTY COUNSEL

By _____
Deputy Counsel

APPROVED AS TO FORM:
ROBERT W. GEIS
AUDITOR-CONTROLLER

By _____
Deputy

Attachment A
Exhibit 1

Owner of Record

Rice Ranch Ventures, LLC

Assessor Parcel Numbers

101-380-04

[Lot F of Tract 14,636, Section 23, Township 9 North, Range 34 West, San Bernardino Base and meridian, County of Santa Barbara, State of California, according to Tract Map of Tract 14,636 recorded September 29, 2005 in Book 200 of Maps, Page 93-99 of said County.]

