



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: August 14, 2007
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Scott D. McGolpin, Public Works Interim Director, 568-3010
Director(s)
Contact Info: Dace Morgan, Interim Deputy Director, Transportation, 568-3064
Michael B. Emmons, County Surveyor, 568-3020
**SUBJECT: Santa Ynez Avenue (Portion) Road Vacation, Santa Ynez
3rd Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Select_Other

As to form: Select_Concurrence

Recommended Actions:

Authorize the Chair of the Board to:

- (a) Approve the attached "Notice of Exemption" pursuant to California Environmental Quality Act (CEQA) guidelines regarding the vacation of a portion of road right-of-way along Santa Ynez Avenue in the Town of Santa Ynez.
- (b) Adopt the attached "Resolution of Summary Order to Vacate" a portion of Santa Ynez Avenue, Santa Ynez.
- (c) Execute the attached "Quitclaim Deed with Reservation of Rights" for a portion of Santa Ynez Avenue, Santa Ynez.

Summary Text:

The Public Works Department was approached by the property owner of APN 141-360-003, Nancy Valdes, to request the vacation of the subject County right of way along Santa Ynez Avenue in order to make legal the detached residential second unit ("DRSU") that is located at the rear of the property. The area proposed for vacation is a strip of land approximately 5' by 163.5' in size (817.5 square feet).

Because the County owns the right of way in fee (rather than in easement), the five foot (5') strip of road right of way will merge with the larger parcel, thereby moving the property line five feet (5') to the north. This will increase the distance from the rear property line to the northwest corner of the DRSU

from 10.3' to 15.3', bringing the DRSU into compliance with the 15' setback requirement so it can be occupied.

On March 14, 2007, the Planning Commission found the vacation of the subject road property to be in compliance with the County's Comprehensive Plan in accordance with Government Code Section 65402(a).

Once the road abandonment is complete, the property owner will apply to the Planning & Development Department for an over-the-counter permit to make the DRSU legal.

The County will be reserving and excepting from the vacation the following rights: (1) a permanent equestrian and hiking trail easement; (2) a permanent easement for in-place and in-use public utilities; (3) a "no build" building restriction; (4) the relinquishment of abutters access rights for motorized vehicles; (5) the preservation of abutters access rights for equestrians and pedestrians pursuant to County Resolution No. 77-604. By reserving such rights, there will be negligible or no change in the existing or future use of the Santa Ynez Avenue right of way, nor the equestrian and hiking trail thereon.

The property owner has deposited the sum of \$2,670 as compensation for the property being sold. Because so many rights are being reserved over the subject property by the County, the sum of \$2,670 was determined to be the fair market value. In addition, the property owner has paid for all County staff time to process the request.

Background:

The County acquired the subject right-of-way in fee simple absolute interest pursuant to the following: (a) "Map Showing the Subdivision of the Canada de Los Pinos" filed as Rack 3, Map 4 in the COUNTY Surveyor's Office; and (b) Deed of September 24, 1889, recorded in Book 26, Page 82 of the COUNTY Recorder's Office.

Performance Measure:

None.

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

Narrative: The property owner has deposited the sum of \$2,670 as compensation for the property being sold. Revenue from the sale will be applied to Dept. 054, Program 2100, Org Unit 0001, Account 5918. Additionally, the applicant has paid for all County staff time to process the request.

Staffing Impacts:

Legal Positions:
None

FTEs:
None

Special Instructions:

After Board action, distribute as follows:

- | | | |
|----|----------------------------------|--|
| 1. | Copy of Summary Order to Vacate | Clerk of Board Files |
| 2. | Original Summary Order to Vacate | Surveyor's Division, Attn: Harrison Heyl |
| 3. | Copy of Quitclaim Deed | Clerk of Board Files |
| 4. | Original Quitclaim Deed | Surveyor's Division, Attn: Harrison Heyl |
| 5. | Copy of Notice of Exemption | Surveyor's Division, Attn: Harrison Heyl |
| 6. | Original Notice of Exemption | Clerk of Board Files |
| 7. | Minute Order | Surveyor's Division, Attn: Harrison Heyl |

The Real Property Section will record the Order to Vacate and Quitclaim Deed at the Office of the County Recorder's Office. Upon recordation, Real Property will return the original documents to the Clerk of the Board and keep copies of the recorded documents in Real Property's files.

Attachments:

- (a) Notice of Exemption.
- (b) Summary Order to Vacate.
- (c) Quitclaim Deed with Reservation of Rights

Authored by:

Harrison Heyl, Public Works Department, Surveyor's Division, Real Property Section, 568-3072

cc: