



**BOARD OF SUPERVISORS
AGENDA LETTER**

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

Agenda Number:
Department Name: Flood Control and
Water Conservation
District/Public Works/
General Services
Department No.: 063/054
For Agenda Of: June 18, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: 3/5

TO: Board of Directors, Flood Control and Water Conservation District
FROM: General Services Kirk Lagerquist, Director of General Services, (805) 560-1011
Public Works Chris Sneddon, Director of Public Works, (805) 568-3010

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KLL
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Contact Info: Skip Grey, Assistant Director, General Services
(805) 568-3083
Walter Rubalcava, Deputy Director – Flood Control
(805) 568-3436

**SUBJECT: Grant of Easements and Quitclaim for Lower Mission Creek Improvement and
Restoration Project, Reach 4 Acquisition (Assessor Parcel No. 037-203-019)
First Supervisorial District (RP File #003988)**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Manager

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute an original Real Property Purchase Agreement between the Santa Barbara County Flood Control and Water Conservation District (District), and Antonio Hernandez and Florecita Hernandez as Trustees of the Hernandez Revocable Trust Created October 16, 2019 (Owners) for the purchase of a permanent easement and temporary construction easement, on a portion of real property located at 426 De La Vina Street (County Assessor Parcel Number: 037-203-019), for a total cost not to exceed \$155,500.00, in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 4 District Project No. SC8042 (First District);

**Grant of Easements and Quitclaim for Lower Mission Creek Improvement and Restoration Project, Reach 4 Acquisition (Assessor Parcel No. 037-203-019 and 037-500-001)
First Supervisorial District (RP File #003988)**

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- b) Authorize the Chair to accept the attached temporary construction easement and Certificate of Acceptance for the permanent easement, conveying an easement interest in the real property located at 426 De La Vina Street, to the District and authorize the Clerk of the Board to sign the Certificate of Acceptance attached thereto;
- c) Authorize the Chair to accept the attached quitclaim deed and Certificate of Acceptance conveying an ownership interest in fee within a portion of the real property located at 426 De La Vina Street, to the District and authorize the Clerk of the Board to sign the Certificate of Acceptance attached thereto;
- d) Approve and authorize the Chair to execute an original Real Property Purchase Agreement between the Santa Barbara County Flood Control and Water Conservation District (District), and De La Vina Partners, LLC, a California limited liability company, and Mark Truman Edwards and Kathryn Jane Edwards as Trustees of the Mark and Kathryn Edwards Living Trust (Owners), for the purchase of a permanent easement and temporary construction easement, on a portion of real property located at 414 De La Vina Street (County Assessor Parcel Number: 037-500-001 (Common Area), for a total cost not to exceed \$432,326.00, in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 4 District Project No. SC8042 (First District);
- e) Authorize the Chair to accept the attached temporary construction easement and Certificate of Acceptance for the permanent easement, conveying an easement interest in the real property located at 414 De La Vina Street, to the District and authorize the Clerk of the Board to sign the Certificate of Acceptance after Board approval and subsequent execution by De La Vina Partners, LLC, a California limited liability company, and Mark Truman Edwards and Kathryn Jane Edwards as Trustees of the Mark and Kathryn Edwards Living Trust (Owners);
- f) Authorize the Director of Public Works, or his designee, to execute any other supporting documents to complete this transaction; and
- g) After considering the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project, the Findings and Statement of Overriding Considerations accepted by the Board of Directors as a Responsible Agency on May 10, 2011, and the discussion included herein, find that pursuant to California Environmental Quality Act (CEQA) Section 15162, no substantial changes are proposed, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives, and therefore the recommended actions are within the scope of the project covered by the aforementioned environmental documents and no new environmental document is required. The findings, statement of overriding consideration, EIS/EIR and associated information can be found at:

<http://santabarbara.legistar.com/LegislationDetail.aspx?ID=874496&GUID=D14C4C9B-DEDF-48CB-AB30-D52A228FB5A2>.

Grant of Easements and Quitclaim for Lower Mission Creek Improvement and Restoration Project, Reach 4 Acquisition (Assessor Parcel No. 037-203-019 and 037-500-001)

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Summary Text:

This action is on the agenda for acquisition from Antonio Hernandez and Florecita Hernandez (Owners), for the purchase of a permanent easement and temporary easement and quitclaim deed on a portion of real property located at 426 De La Vina Street (County Assessor Parcel Number: 037-203-019), for a total cost not to exceed \$155,500.00, in connection with the Lower Mission Creek Improvement and Restoration Project.

In addition, authorization is requested for the acquisition from De La Vina Partners, LLC, a California limited liability company, and Mark Truman Edwards and Kathryn Jane Edwards as Trustees of the Mark and Kathryn Edwards Living Trust (Owners), for the purchase of a permanent easement and temporary construction easement, on a portion of real property located at 414 De La Vina Street (County Assessor Parcel Number: 037-500-001) (Common Area), for a total cost not to exceed \$432,326.00, in connection with the Lower Mission Creek Improvement and Restoration Project.

The recommended actions include approval and authority to execute a Real Property Purchase Agreements and Certificates of Acceptance.

Background:

Over the past several years the Flood Control and Water Conservation District Board of Directors has heard and approved a number of items relating to the Lower Mission Creek Flood Control Project (“Project”). The acquisition of real property and interests therein has been required prior to commencing construction of Project-related flood control improvements. The Project is a federal U.S. Army Corps of Engineers (“Corps”) project that has been under study and development since the 1960’s. The City of Santa Barbara and the District worked with a community consensus group in the 1990’s to develop the current project which focuses on both flood control and environmental issues.

The Corps completed the Feasibility Study over 20 years ago but, has been slow to get adequate funding for design and construction. Since that time, the City and District have been working on finding opportunities to construct elements of the Project as funding options arise.

On March 2, 2010, the Board of Directors authorized negotiations for the purchase of fee simple interests in several private parcels and the acquisition of both permanent and temporary construction easements for all Reaches and phases of the Project. County and District staff have been working with the City and private owners to prepare Reaches for construction.

Pursuant to Government Code Section 65402, the Project was determined to be in conformity with Santa Barbara City’s adopted General Plan in 2007 and with its revised General Plan in 2012. The Environmental Initial Study/Environmental Impact Report for the Project was certified by the City of Santa Barbara Planning Commission on June 28, 2001.

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Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
South Coast Flood Zone			\$ 587,826.00
Federal			
Other:			
Total	\$ -	\$ -	\$ 587,826.00

Narrative:

The easement acquisition costs of \$587,826 are included in the project’s capital asset budget on page D-331 in the FY 2023-24 budget book under the Water Resources Division of the Public Works Department.

No General fund monies will be utilized for this project.

Staffing Impacts:

None

Special Instructions:

After Board action, Chair will execute and Clerk will sign the Real Property Purchase Agreements.

Before a notary public, Clerk will sign the Certificates of Acceptance for the Grant of Easement Deeds and Quitclaim Deeds.

Clerk of the Board will distribute as follows:

1. Original executed Real Property Purchase Agreement, Original Grant of Easement Deed and Quitclaim Deed, executed Certificates of Acceptance and Minute Order:

General Services:
Real Estate Services Division
Attn: Carlo Achdjian

2. Copies of documents and Minute Order

Public Works:
Flood Control District Office
Attn: Christina Lopez

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Attachments:

1. Attachment A-Real Property Purchase Agreement and Certificate of Acceptance (Permanent Easement)-Hernandez
2. Attachment B-Certificate of Acceptance (Quitclaim Deed)-Hernandez
3. Attachment C-Real Property Purchase Agreement (only)-De La Vina Partners/Edwards

Authored by:

Carlo Achdjian, Real Estate Services Division of General Services