



**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/General Services
Department No.: 054/063
For Agenda Of: June 21, 2016
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
Board of Directors Flood Control and Water Conservation District

FROM: Public Works: Scott D. McGolpin, Director of Public Works, 568-3010
General Services: Matthew P. Pontes, Director of General Services, 560-1011
Contact Info: Thomas D. Fayram, Deputy Director, Public Works, 568-3435
Janette Pell, Assistant Director, General Services, 568-3096

SUBJECT: **Unit II Channel Improvements Property Acquisitions, District Project No. SM8313;
Fifth Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Direct County Surveyor to review, approve and record Certificate(s) of Compliance on the remainder(s) of those parcels affected by this proposed acquisition identified in Grant Deed recorded April 4, 1985, as instrument number 1985-017098; and
- b) Determine this action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment; and

That the Board of Directors of the Santa Barbara Flood Control & Water Conservation District:

- c) Approve and authorize the Chair to execute the Real Property Settlement Agreement and Escrow Instructions (Attachment 1) and Memorandum of this Agreement, between the District, and Heidi Ann Dorris and the Hopkins Laguna

Trust (hereinafter collectively the “Owners”), for the purchase of a portion of County Assessor’s Parcel Numbers (APNs) 117-160-039, and 117-020-066, (the “Fee Parcel”) in fee; and a permanent easement on a portion of APNs 117-160-027 and -039, (the “Permanent Easement”), for Phase I, Unit II Up Stream Annual Plan Work and Phase II, Unit II Capacity Improvement Project, Project No. SM8313, (the “Project”);

- d) Approve and authorize the Clerk to accept the Grant Deed to the property consisting of approximately 1.81 acres conveyed from the Owners to the District for a portion of APNs 117-160-027, and 117-020-066, by authorizing the Clerk to execute the Certificate of Acceptance (Attachment 2);
- e) Accept the Permanent Easement Deed for the real property interest conveyed from the Owners to the District for an easement on a portion of land consisting of approximately 1.51 acres known as APNs 117-160-027 and -039, by authorizing the Clerk to execute the Certificate of Acceptance (Attachment 3);
- f) Accept the Temporary Construction Easement for the interest conveyed from the Owners to the District for a Temporary Construction Easement on an approximately 2.92 acre portion of land consisting of APNs 117-020-066 and 117-160-027, by authorizing the Clerk to execute the Certificate of Acceptance (Attachment 4);
- g) Approve and authorize the Chair to execute the Waiver of Surface Rights Agreement and the Memorandum of Waiver of Surface Rights Agreement between the California Resources Petroleum Corporation (the “Mineral Owner”) and the District, waiving the Mineral Owner’s surface rights to portions of APNs 117-160-027 and -039, and 117-020-066 (Attachment 5);
- h) Approve and authorize the processing of payment for relocation benefits to Manzanita Berry Farms (the “Owners’ Tenant”) as compensation for Owners’ Tenant’s loss of use of those portions of APNs 117-160-027 and -039, and 117-020-066, (which are currently leased by Owner’s Tenant from Owners), in connection with both Phases of the Project;
- i) Approve and authorize the Director of Public Works, or designee, to expend funds in a total amount not to exceed FIVE HUNDRED TEN THOUSAND DOLLARS (\$510,000), plus title and escrow fees pursuant to the Real Property Settlement Agreement and Escrow Instructions with the Owners, the processing of relocation compensation benefits to Owners’ Tenant, and costs incurred pursuant to the Waiver of Surface Rights Agreement with the Mineral Owner; and to execute any escrow instructions or other documents required to facilitate the transaction; and
- j) Find that pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, no substantial changes are proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and no new information of substantial importance concerning the project’s significant effects or mitigation measures has been received, and therefore, these actions are within the scope of the project covered by the Final Mitigated Negative Declaration (MND) #14NGD-00000-00012, for the Unit 2 Channel Improvements Project as well as the Mitigation Monitoring Plan adopted by the

Board of Directors on April 14, 2015, and no new environmental document is required.

Summary Text:

This item is on the agenda in order to facilitate the acquisition of property rights required for the alteration and construction of the capacity improvements for the Unit II Channel. Staff recommends the approval, authorization and acceptance of the real property rights conveyed to the District by the Owners; payment of relocation benefits to the Owners' Tenant; and approval of and payment for the waiver of surface rights by the owner of the underlying mineral rights; all for the purpose of constructing flood control improvements required to complete both Phases of the Unit II Channel Improvements Project.

Background:

The Unit II Channel is an earthen ditch located west of Blosser Road and north of West Main Street in the unincorporated area in Santa Maria. The Channel serves to collect urban and agricultural run-off, and provides storm water drainage to the Santa Maria River from farmland and urban development. The current hydraulic capacity of the channel is constrained by its narrow width and a sharp, narrow "S" curve. The Project consists of two phases. Phase I will widen the Channel to its originally designed width and Phase II will remove and redesign the "S" curve, and widen the channel to provide increased flood protection. Phase II will increase the Channel's hydraulic capacity and minimize the risk of bank overflows prior to draining into the Santa Maria River.

The District currently owns APNs 117-160-042, -044 and -048; and 117-020-058 and -060, in fee. All five District owned parcels are adjacent to the Owners parcels, where the District acquisitions are required. On May 13, 2008, the Board of Directors authorized staff to proceed with negotiations and acquisition of easements or fee titles on portions of property adjacent to the existing channel for both Phases of the Project. Since that time, County staff has been working with the Owners, Owners' Tenant, and the Mineral Owner to facilitate construction of both Phases of the Project.

The parcel being proposed for acquisition, Owners' Parcel, consisting of approximately 1.81 acres, will be used for public right-of-way purposes and District Improvements. A Permanent Easement, consisting of approximately 1.51 acres, will provide access to the Channel for operation and maintenance. A Temporary Construction Easement of approximately 2.92 acres, will also be required to facilitate construction of the proposed improvements. Phase I acquisitions involve APN 117-160-039 and a portion of APN 117-160-027. Phase II involves a portion of APN 117-020-066 and a portion of APN 117-160-027. See attached Exhibit "A" for Project Location and Phases.

The Owners' property is encumbered by a reservation of mineral rights recorded in 1936. Those rights entitle the owner of the mineral rights, ("Mineral Owner"), to use or occupy the surface of the property down to a depth of 100 feet in connection with the development of the oil, gas, and other subsurface mineral interests. The Unit II Project will need to utilize 3.32 acres of the property currently restricted by the 1936 recorded document. The Waiver of Surface Rights

of Surface Rights Agreement & Memorandum,
and Minute Order

3. Copies of Real Property Agreement, Grant Deed,
Permanent Easement, Temporary Construction
Easement, Memorandum of Real Property
Settlement Agreement, Waiver Surface Rights
Agreement and Memorandum, and Minute Order
4. Copy of Real Property Agreement and Minute
Order

Flood Control, Water Resources
Attn: Christina Lopez

Auditor-Controller, Financial
Reporting Division,
Attn: Betsy Schaffer

Attachments:

Exhibit A- Vicinity Map

1. One (1) Original, one (1) duplicate original Real Property Settlement Agreement and
Escrow Instructions and Memorandum
2. Certificate of Acceptance for Grant Deed
3. Certificate of Acceptance for Permanent Easement Deed
4. Certificate of Acceptance for Temporary Construction Easement
5. One (1) original, one (1) duplicate original Waiver of Surface Rights Agreement and
Memorandum

