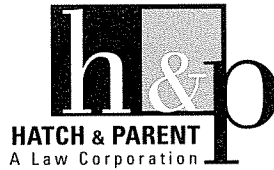


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April 11, 2007

***Via Hand Delivery***

Kevin Ready, Esq.  
Senior Deputy County Counsel  
Santa Barbara County  
105 East Anapamu Street, Suite 201  
Santa Barbara, CA 93101

***Re: Vacation of Madera Street***

Dear Mr. Ready:

Our office represents the Santa Ynez River Water Conservation District, Improvement District No. 1 (“District”) with respect to the vacation of Madera Street. Per your request, this letter summarizes the history of this matter since its inception more than two years ago and restates our position on the legal implications of the proposed abandonment. We understand that this letter will be included with the agenda materials on the item for consideration by the Board of Supervisors. After working with staff, County Counsel and the District’s neighbors, we are confident that we have resolved any outstanding issues and satisfied all the legal and procedural requirements to enable the County to complete the vacation of Madera Street.

In late 2004, the County approached the District about vacating Madera Street with the understanding that the District would only have to pay the cost of County fees and staff time to process the vacation. The District then submitted a vacation request to the County Public Works Department to abandon a 6,500 square foot portion of Madera Street pursuant to Streets and Highways Code § 8350 *et seq.* The District was interested in uniting its three parcels currently separated by Madera Street and utilizing the land in a more efficient and secure manner to better serve the public. Although no opposition to the vacation was initially identified, the County became aware that Mr. Hemming, who owns the property to the east of the District, would oppose the vacation unless the County “reserved” him a right to cross the vacated portions.

County Counsel’s office analyzed whether the County had any duty to make such a reservation and concluded:

Owners are not guaranteed continued access to a particular point on their property. There is no legal requirement that the County retain any rights for the benefit of those abutting owners, so long as their frontage on the active road is maintained.

Since the frontage of Mr. Hemming's land has immediate access to Sagunto Street, County Counsel found his use of Madera Street secondary and unnecessary. Our office agreed with County Counsel's conclusion that the County has no duty to reserve access for Mr. Hemming over Madera Street after it is vacated. The law on this matter is clear. The Streets and Highways Code guarantees a landowner access to their parcel via a public street, but does not guarantee a particular location of access or that a previous point of access will continue indefinitely. After clarifying the lack of legal basis for Mr. Hemming's position, this issue was resolved to the satisfaction of all parties and the County continued processing the vacation.

On January 12, 2005, the County Planning Commission made the necessary findings that the Madera Street vacation is consistent with the County's General Plan. The staff report for that action noted "the land adjacent to [the District]...would be transferred to those districts at no cost." However, in February 2005, the County considered a financially different arrangement than originally agreed with the District. This issue was resolved in April 2006. The County agreed to grant to the District, under the original financial arrangements, three grant deeds for the vacated portions of Madera Street which would merge with the District's existing parcels.

The District then paid the requested processing fee upon the condition that the District would receive those portions of Madera Street unencumbered by neighboring access. Upon accepting the payment, County Staff assured the District that the vacation would only to be subject to an existing PG&E underground utility easement, which did not conflict with the District's planned use and reason for seeking the vacation. The vacation moved forward as our office worked collaboratively with the County Public Works department in June and July 2006 to develop the notice of summary vacation pursuant to CEQA, an order to vacate, a quitclaim agreement, and an approval to be signed by the Board of Supervisors.

The vacation was interrupted again after the County posted the notice of vacation. Neighboring landowner, Mr. Hemming, again objected to the vacation, this time based on an alleged common law private easement in Madera Street, which he claimed to have acquired via reference to the street in a map attached to his deed. Our office took a two fold approach to resolve that issue. First, we worked closely with Mr. Hemming's attorney to inform him of our legal analysis of Mr. Hemming's claimed private easement rights. If Mr. Hemming has a private easement in Madera Street, that right can be asserted after the abandonment by recording a Notice of Easement pursuant to the procedures established under the Civil Code. Second, we worked with County Counsel to confirm that any private rights Mr. Hemming had would not affect the County's processing of the vacation. County Counsel considered legal input on this matter from both our office and Mr. Hemming's attorney. Then County Counsel determined that Mr. Hemming's interest in the street is purely a private matter and not a basis for interfering with or rejecting the vacation, since any such right does not affect the County's interest. Mr. Hemming has attempted to make protecting his private interests the County's responsibility. However, County Counsel recognizes that their duty is to the public at large and the law will protect any private interests that may exist.

Kevin Ready, Esq.

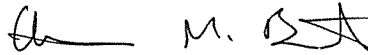
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Satisfied with the resolution of this issue, the County agendized the vacation for April of this year. However, prior to the hearing, the item was removed from the agenda. This time it was due to concerns that the vacation would landlock the neighboring Mowery Parcel to the south. Our office reviewed the deed for Mowery parcel and found that the parcel has a road easement over the abandoned Lincoln Street. We transmitted the evidence thereof to County Counsel, who reviewed our correspondence and found it persuasive. County Counsel has since informed the District and the interested neighbors that the County has satisfied its duty to protect neighboring landowners and is now ready to proceed with the vacation.

Hopefully this historical summary provides you with some perspective of the lengthy process the District has worked through for the past two years to obtain a vacation of Madera Street. As a fellow public agency, the County can undoubtedly appreciate what a difficult position the District's Board of Trustees has been put in as a result. The District has spent a substantial amount of its limited public resources, far beyond what it was anticipated, to secure and make full use of its property, and has yet to realize any public benefit for that expenditure. Our office remains optimistic that the County's renewed interest in this matter represents the last step in completing the agreed upon vacation of Madera Street. We urge the Board of Supervisors to consider and approve the vacation of Madera Street at their earliest convenience.

Sincerely,



Alexandra M. Barnhill

For HATCH & PARENT, A Law Corporation

AYM:aym

Cc: Chris Dahlstrom, District General Manager  
Gary Kvistad, Esq., District General Counsel