

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Santa Barbara County
Real Property Division
Will Call

Exempt from the \$75 Building and Jobs Act Fee per Gov't Code §27388.1(2)(D) Public Agency
No fee pursuant to Government Code § 6103
No Documentary Transfer Tax per R&T Code § 11922
No Recording Fee per Government Code § 27383

426 De La Vina Street
Santa Barbara, CA 93101
APN: 037-203-019

EASEMENT DEED
(for Flood Control Purposes)

For consideration, ANTONIO HERNANDEZ AND FLORECITA HERNANDEZ, AS TRUSTEES OF THE HERNANDEZ REVOCABLE TRUST CREATED OCTOBER 16, 2019 (collectively "Grantor), does hereby grant to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ("District"), its successors or assigns, as District herein, an easement and right of way in the City of Santa Barbara, County of Santa Barbara, State of California, for all purposes relating to surveys, inspections, excavations, construction, operations, maintenance, repair, removal, replacement and reconstruction of surface and subsurface improvements required for creek flow, flood control and all appurtenant facilities associated with Mission Creek and nearby creek flood control improvements located in the block between the intersection of Haley Street and De La Vina Street and Gutierrez Street, including the unrestricted right of ingress and egress at all times, and any required removal at any time of vegetation, improvements, materials, and any other topographical features that may exist within said easement, being more particularly described in Exhibit "A" and shown in Exhibit "B", each attached hereto and incorporated herein by this reference.

Together with:

A Temporary Construction Easement for the purposes of facilitating the construction of the flood control improvements and all appurtenant facilities, including the right of ingress and egress for personnel, vehicles, and equipment, and the right to temporarily maintain such vehicles, materials and equipment within said Temporary Construction Easement area as necessary to complete the flood control improvement project, and utilize said Temporary Construction Easement for all other related activities and purposes associated with facilitating and accomplishing the construction of the public improvements within the Easement Area described

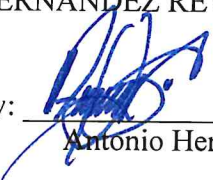
hereinabove, in, on, over, under, through, along and across that certain parcel of land described in Exhibit "C" and depicted in Exhibit "D", attached hereto and incorporated herein. This Temporary Construction Easement shall commence thirty (30) days following the date of issuance of a Notice of Construction Commencement issued by District to Grantor via U.S. Mail, and shall terminate one year after commencement, or upon completion of construction, whichever occurs first; however, District shall have the right to extend the Temporary Construction Easement term in additional three (3) month increments if District determines that additional time beyond the one year period is necessary for construction completion. In such case, District shall have the unilateral right to extend the Temporary Construction Easement period through construction completion and agrees to compensate Grantor One Thousand Dollars (\$1,000) for each three month extension term exercised. Payment for any such extensions shall be paid by District to Grantor concurrent with District's written notice to Grantor of District's intention to exercise such extension provisions. In any event, this Temporary Construction Easement shall terminate on or before December 31, 2025.

Upon completion of construction, the surface of this Temporary Construction Easement area shall be generally restored to a comparable condition as that which existed prior to District's access and use, to the extent reasonably practical, excepting fencing, decking, landscaping, trees, irrigation, and other related yard improvements.

GRANTOR:

ANTONIO HERNANDEZ AND FLORECITA HERNANDEZ, AS TRUSTEES OF THE HERNANDEZ REVOCABLE TRUST CREATED OCTOBER 16, 2019

By:



Antonio Hernandez, Trustee

By:



Florecita Hernandez, Trustee

ACKNOWLEDGMENT

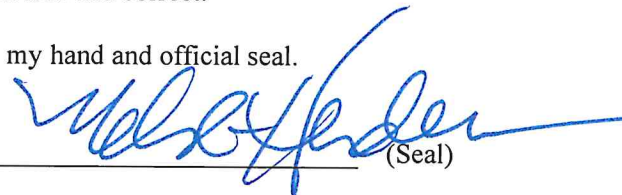
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

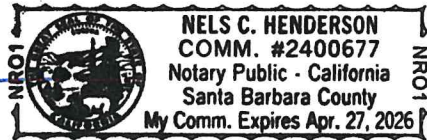
State of California
County of SANTA BARBARA

On AUGUST 26, 2023 before me, NELS C. HENDERSON, Notary Public, personally appeared Antonio Hernandez, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SANTA BARBARA

On AUGUST 26, 2023 before me, NELS C. HENDERSON, Notary Public, personally appeared Florecita Hernandez, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

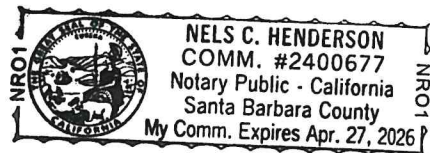


EXHIBIT A
T-4

A portion of the land in Block 251, in the City of Santa Barbara, County of Santa Barbara, State of California, described in the Grant Deed to Antonio Hernandez and Florecita Hernandez, Trustees, recorded November 6, 2019, as Instrument No. 2019-050946, Official Records of said County, lying northeasterly of a line parallel with, and 5.00 feet southwesterly, as measured at right angles, of the following described REFERENCE LINE.

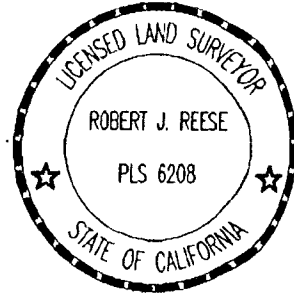
Commencing at a point on a line that is parallel with and 5.00 feet southeasterly, as measured at right angles, of the southeasterly line of Block 251 in the City of Santa Barbara, County of Santa Barbara, State of California, from which a lead, nail & tag stamped "CITY ENGR" near the most southerly corner of said Block 251 as shown on the Corner Record Document No. 938, filed in said County's Surveyor Office, bears South 42°25'13" West, 245.39 feet and from which said point a lead, nail & tag stamped "CITY ENGR" near the most easterly corner of said Block 251 as shown on Corner Record Document No. 4331, filed in said County Surveyor Office, bears North 42°25'13" East, 257.24 feet;

- Course 1 Thence at right angles, North 47°34'47" West, 27.56 feet to a point on the face of a concrete retaining wall, the TRUE POINT OF BEGINNING of this REFERENCE LINE;
- Course 2 Thence North 64°13'04" West, 6.31 feet to the beginning of a tangent curve to the left, having a radius of 245.00 feet;
- Course 3 Thence along said curve 34.86 feet through a central angle of 08°09'06";
- Course 4 Thence North 72°21'30" West, 199.00 feet to the beginning of a tangent curve to the right, having a radius of 200.00 feet;
- Course 5 Thence along said curve 51.62 feet through a central angle of 14°47'14";
- Course 6 Thence North 57°34'16" West, 95.81 feet to the beginning of a tangent curve to the left, having a radius of 80.00 feet;
- Course 7 Thence along said curve 58.02 feet through a central angle of 41°33'14";
- Course 8 Thence South 80°52'30" West, 8.24 feet to a point on the face of a concrete retaining wall, the END of this REFERENCE LINE, from which a lead, nail & tag stamped "CITY ENGR" near the most easterly corner of City Block 232 as shown on Corner Record Document No. 3989, filed in said County Surveyor Office, bears South 87°13'59" West, 113.52 feet and from which point a lead, nail & tag stamped "CITY ENGR" near the most northerly corner of said Block 251 as shown on Corner Record Document No. 4370, filed in said County Surveyor Office, bears North 38°18'51" East, 423.33 feet.

EXCEPTING THEREFROM that parcel described in the Easement Deed to the County of Santa Barbara and the Santa Barbara County Flood Control and Water Conservation District, recorded October 31, 1973, as Instrument No. 42274 in Book 2487, Page 792 of Official Records of said County.

The above described parcel of land contains approximately 692 square feet and is as shown on Exhibit B, attached hereto and made a part hereof.

This description has been prepared by me in accordance with provisions of the Professional Land Surveyors Act.

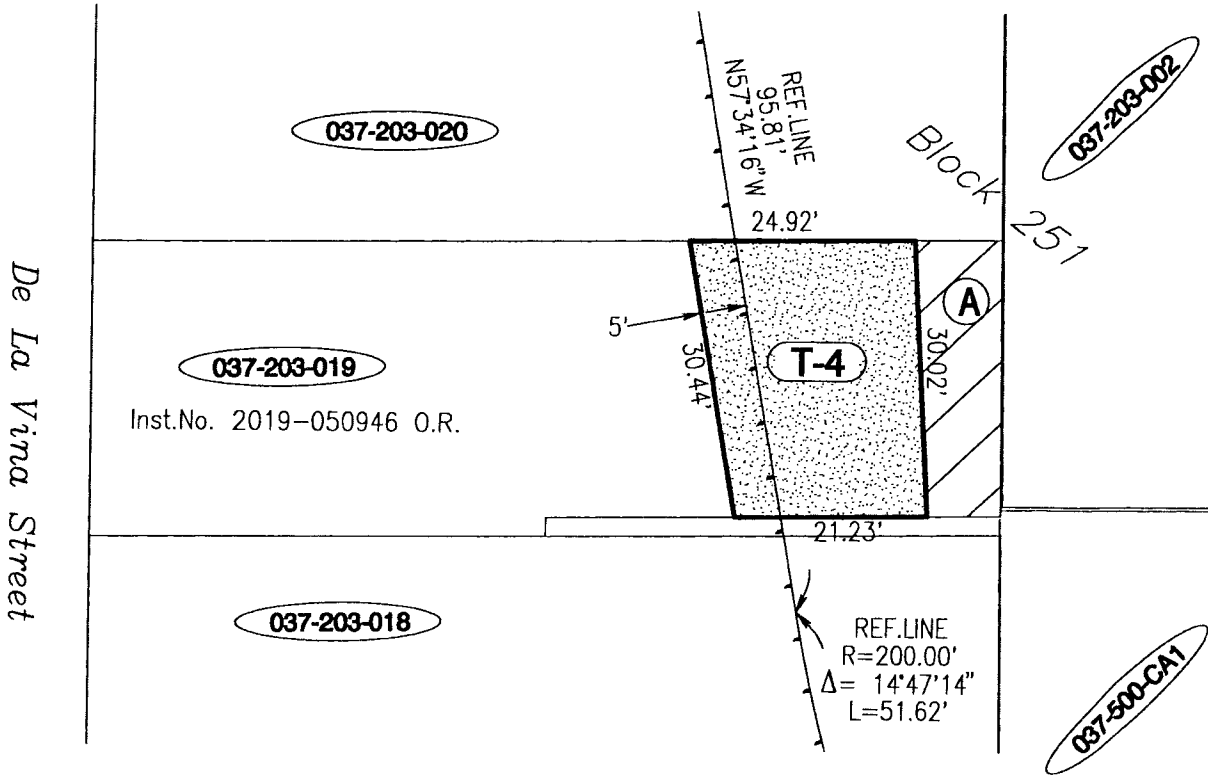


Robert J. Reese

Robert Reese, LS 6208

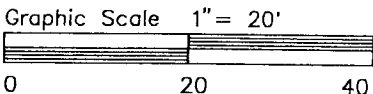
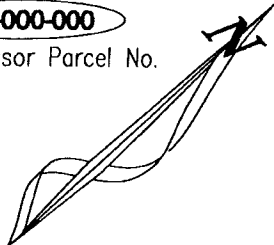
2022.02.08
date

EXHIBIT B T-4



037-203-019
Vesting - Inst.No. 2019-050946 O.R.
A - 2487 OR 792 flood control easement
T-4 692sq.ft. Perm.Easement

000-000-000
= Assessor Parcel No.



This Exhibit has been prepared by me in accordance with provisions of the Professional Land Surveyors Act.



Robert J. Reese
date: 2022.02.08

COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS
FLOOD CONTROL DISTRICT

APN 037-203-019

PERMANENT EASEMENT
SANTA BARBARA COUNTY
FLOOD CONTROL DISTRICT
SANTA BARBARA COUNTY, CALIFORNIA

EXHIBIT C
TCE-4

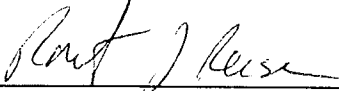
A strip of land 5.00 feet wide, in that portion of the land in Block 251, in the City of Santa Barbara, County of Santa Barbara, State of California, described in the Grant Deed to Antonio Hernandez and Florecita Hernandez, Trustees, recorded November 6, 2019, as Instrument No. 2019-050946, Official Records of said County, the northeasterly line of said strip lies parallel with and 5.00 feet southwesterly, as measured at right angles, of the following described REFERENCE LINE.

Commencing at a point on a line that is parallel with and 5.00 feet southeasterly, as measured at right angles, of the southeasterly line of Block 251 in the City of Santa Barbara, County of Santa Barbara, State of California, from which a lead, nail & tag stamped "CITY ENGR" near the most southerly corner of said Block 251 as shown on the Corner Record Document No. 938, filed in said County's Surveyor Office, bears South 42°25'13" West, 245.39 feet and from which said point a lead, nail & tag stamped "CITY ENGR" near the most easterly corner of said Block 251 as shown on Corner Record Document No. 4331, filed in said County Surveyor Office, bears North 42°25'13" East, 257.24 feet;

- Course 1 Thence at right angles, North 47°34'47" West, 27.56 feet to a point on the face of a concrete retaining wall, the TRUE POINT OF BEGINNING of this REFERENCE LINE;
- Course 2 Thence North 64°13'04" West, 6.31 feet to the beginning of a tangent curve to the left, having a radius of 245.00 feet;
- Course 3 Thence along said curve 34.86 feet through a central angle of 08°09'06";
- Course 4 Thence North 72°21'30" West, 199.00 feet to the beginning of a tangent curve to the right, having a radius of 200.00 feet;
- Course 5 Thence along said curve 51.62 feet through a central angle of 14°47'14";
- Course 6 Thence North 57°34'16" West, 95.81 feet to the beginning of a tangent curve to the left, having a radius of 80.00 feet;
- Course 7 Thence along said curve 58.02 feet through a central angle of 41°33'14";
- Course 8 Thence South 80°52'30" West, 8.24 feet to a point on the face of a concrete retaining wall, the END of this REFERENCE LINE, from which a lead, nail & tag stamped "CITY ENGR" near the most easterly corner of City Block 232 as shown on Corner Record Document No. 3989, filed in said County Surveyor Office, bears South 87°13'59" West, 113.52 feet and from which point a lead, nail & tag stamped "CITY ENGR" near the most northerly corner of said Block 251 as shown on Corner Record Document No. 4370, filed in said County Surveyor Office, bears North 38°18'51" East, 423.33 feet.

The above described parcel of land contains approximately 152 square feet and is as shown on Exhibit D, attached hereto and made a part hereof.

This description has been prepared by me in accordance with provisions of the Professional Land Surveyors Act.



Robert Reese, LS 6208

2022.02.08
date

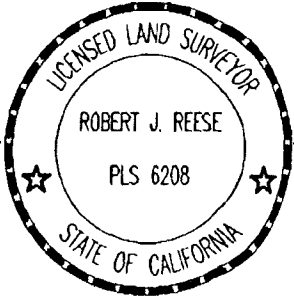
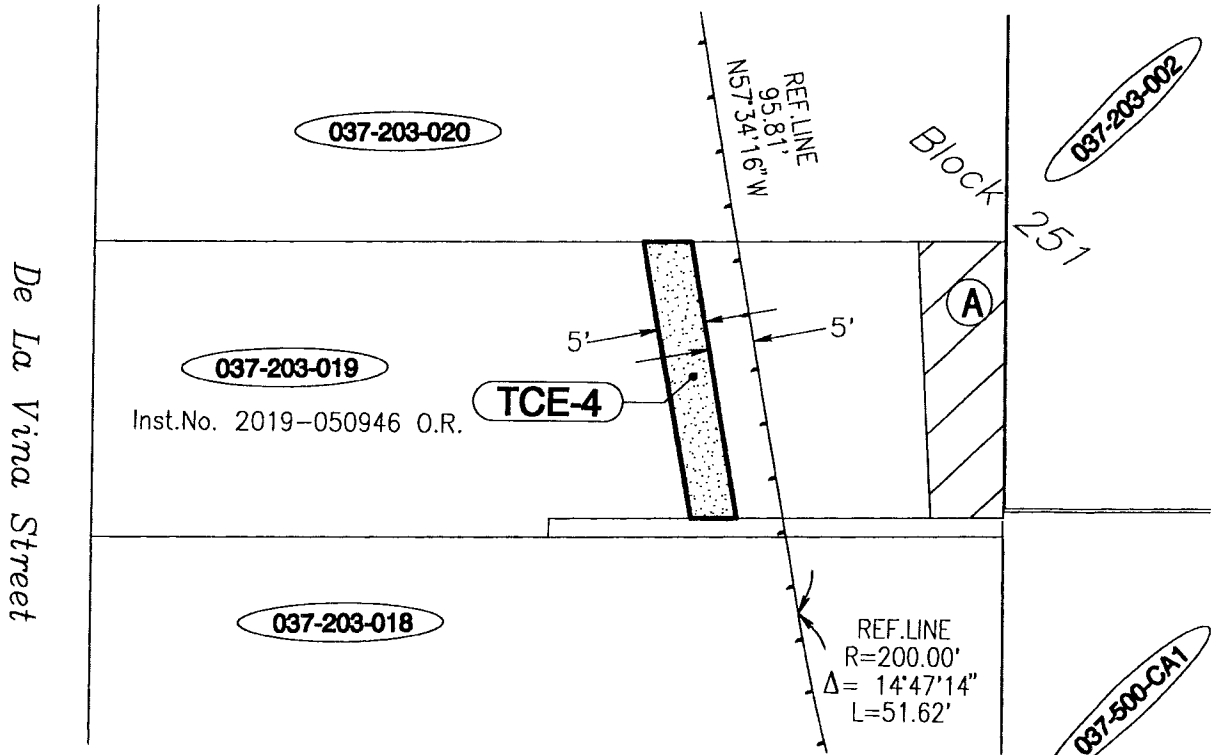


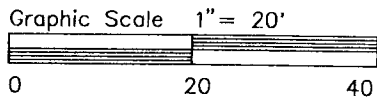
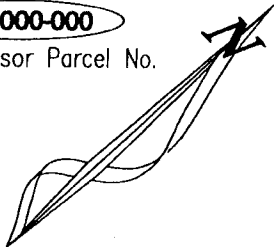
EXHIBIT D TCE-4



037-203-019
 Vesting - Inst.No. 2019-050946 O.R.
 A - 2487 OR 792 flood control easement

TCE-4 152sq.ft. Temp.Const.Easement

000-000-000
 = Assessor Parcel No.



This Exhibit has been prepared by me in accordance with provisions of the Professional Land Surveyors Act.

Robert J. Reese

date: 2022.02.08



COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS
 FLOOD CONTROL DISTRICT

APN 037-203-019

TEMPORARY CONSTRUCTION EASEMENT
 SANTA BARBARA COUNTY
 FLOOD CONTROL DISTRICT
 SANTA BARBARA COUNTY, CALIFORNIA

CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS. § 27281

THIS IS TO CERTIFY that the interest in real property conveyed by the Easement Deed dated August 26, 2023, from Antonio Hernandez and Florecita Hernandez, as Trustees of the Hernandez Revocable Trust created October 16, 2019, as GRANTORS, to SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special District of the County of Santa Barbara, a political subdivision of the State of California, its successors or assigns, as GRANTEE, is hereby accepted by order of the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District on _____, 2024, and the Santa Barbara County Flood Control and Water Conservation District as GRANTEE consents to recordation thereof by its duly authorized officer.

WITNESS my hand and official seal this _____ day of _____, 2024.

MONA MIYASATO, CLERK OF THE BOARD
and Ex Officio Clerk of the Board of Directors of
the Santa Barbara County Flood Control and
Water Conservation District

By: _____
Deputy

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

By: _____
Deputy County Counsel