

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: 1\08\03
Department Name: Public Works
Department No.: 054
Agenda Date: January 21, 2003
Placement: Administrative
Estimated Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

STAFF CONTACT: Bret Stewart, Manager - 568-3232
Traffic Section

SUBJECT: Quitclaim Deed, Releasing an Encumbrance on the Title of APN# 007-350-010, Sheffield Drive area; First Supervisorial District

Recommendation:

That the Board of Supervisors:

Execute the attached Quitclaim Deed, which will remove an encumbrance on the title of APN# 007-350-010, off of Sheffield Drive in the Montecito area.

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 1: An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

There is a cloud on the title on parcel APN # 007-350-010 which stems from an encumbrance caused by a condition in the Deed from the President and Board of Trustees of the Town of Santa Barbara to Pedro P. Masini, dated January 30, 1868 and recorded in Book "F" of Deeds, at Page 387. The language at issues states: "Subject to the condition that any part of this land may be taken for the purposes of constructing a road whenever the property authority may require the same without compensation."

County Counsel has reviewed this issue and determined that the County's interest, described in the quoted language of the above mentioned Deed, is conditional and illusory. The reason is that the interest is limited to those circumstances under which a road may be required without compensation anyway. The Quitclaim Deed, which the County will grant, will release the encumbrance from the title. County Counsel concluded that there is no significant value to the

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County associated with this language. Thus, the Quitclaim Deed will not transfer any significant rights from the County. This language would concern any potential buyer or lender and require substantial due diligence on their part in order to feel secure about taking an interest in the property. By granting this Quitclaim Deed, the County will be promoting efficiency and the public good by relieving a private property owner of an unnecessary burden at no expense.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

None.

Special Instructions:

After Board action, distribute as follows:

- | | | |
|----|------------------------------|--|
| 1. | Certified Copy of Resolution | County Surveyor,
Attn: Brett Maxfield |
| 2. | Original Resolution | Clerk of the Board Files |
| 3. | Minute Order | Transportation Division,
Attn: Bret Stewart |
| 4. | Minute Order | County Surveyor,
Attn: Brett Maxfield |

Concurrence:

County Counsel

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