



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  
**Department No.:** 054  
**For Agenda Of:** May 6, 2014  
**Placement:** Administrative  
**Estimated Tme:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Scott D. McGolpin, Director Public Works: 568-3010  
Director(s)  
Contact Info: Chris Sneddon, Deputy Director, Transportation; 568-3064  
**SUBJECT:** Vacation and Sale of Portions of Foxen Canyon and Dominion Roads Right-of-Way, Santa Maria; Fifth Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Recommended Actions:** That the Board of Supervisors:

- A. Approve and authorize the Chair to execute the attached Resolution and Summary Order to Vacate, regarding portions of the Foxen Canyon and Dominion Road right-of-way which is located adjacent to APNs 128-100-030, 128-101-010 & -012 in the unincorporated area of the County of Santa Barbara east of the City of Santa Maria upon the County Surveyor's determination that the Voluntary Merger documents for APNs 128-100-030, 128-101-010 are ready for recordation.
- B. Approve and authorize the Chair to execute the attached Quitclaim Deed Agreement upon the County Surveyor's determination that Voluntary Merger Case 14VM03 for APNs 128-100-030, 128-101-010 are ready for recordation.
- C. Find that the proposed vacation and quitclaim is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15312 as it involves the sale of portions of excess County right-of-way, and approve the filing of the attached Notice of Exemption on that basis.

**Summary Text:**

The portions of the Foxen Canyon Road fee right-of-way proposed for vacation and quitclaim are unimproved strips located off the paved road. Once vacated and abandoned they will be incorporated into the adjacent parcels via the Voluntary Merger process. The portion of Dominion Road easement proposed for vacation is located on APNs 128-100-030 and 128-101-012 and is currently being farmed.

These areas are collectively known herein as the “Portion,” and are shown on Exhibit “A” of the Summary Order to Vacate and the Quitclaim.

If approved, the road vacation, Quitclaim and sale will dispose of County road right-of-way which is unused by the public by removing the public right to use the Portion and transferring ownership thereof to the owner of the adjacent parcel. If executed and recorded, that transfer will add the Portion to the County tax base and will remove the County’s liabilities associated with ownership of an interest therein. The agreed upon purchase price for the Portion is \$7,267.50. The owner of the adjacent parcels is required to incorporate the Portion into his adjacent parcels via the Voluntary Merger process with the County Surveyor.

**Background:**

The owner of the parcels adjacent to the Portion contacted Public Works and requested the vacation and transfer of the Portion. Parks, Public Works Transportation, Flood Control and Fire representatives were contacted with a request for input. The Portion was determined to be outside the traveled right-of-way corridor and the County has no plans to expand its infrastructure in the vicinity of the Portion. No County departments objected to the proposed vacation and sale. No Parcels will be “landlocked” if the vacation is consummated. The proposed vacation was found to be in conformity with the County's adopted General Plan by the Planning Commission at its regular meeting of May 15, 2013. The proposed right-of-way vacation and sale was found to be in conformity with applicable CEQA guidelines. All public utility providers were informed of the proposed vacation and asked if they maintain facilities in the Portion. Verizon has facilities within the section of Dominion Road being vacated; their rights to access and maintain those utilities will be reserved from the right-of-way vacation. The Clerk of the Board published a notice to inform the public of the date of these proposed actions by the Board of Supervisors.

After it was determined that the County owns the Quitclaim area in fee, the applicant and Public Works negotiated a price for that land based upon recent market value sales in the area. The agreed to purchase price is \$7,267.50, which amount has been deposited with the Public Works Department by the applicant.

**Fiscal and Facilities Impacts:**

Budgeted: Yes.

**Narrative:**

The applicant paid for the County staff time needed to facilitate this transaction. The purchase price of the fee portion is \$7,267.50, which will be deposited into Road Fund 0015. There are no Facilities impacts associated with the proposed actions.

**Special Instructions:** Clerk of the Board, please distribute as follows:

- |    |                          |                                 |
|----|--------------------------|---------------------------------|
| 1. | Original Order to Vacate | Clerk of the Board Files        |
| 2. | Copy of Order to Vacate  | Public Works, Attn: Jeff Havlik |
| 3. | Original Quitclaim Deed  | Clerk of the Board Files        |
| 4. | Copy of Quitclaim Deed   | Public Works, Attn: Jeff Havlik |
| 5. | CEQA Notice of Exemption | Post as Required                |
| 6. | Minute Order             | Public Works, Attn: Jeff Havlik |

After Board action the original Summary Order to Vacate and the Quitclaim Deed Agreement will be held unsigned by the Clerk of the Board pending the owner's completion of a Voluntary Merger which will incorporate the vacated Portion into the Property. When the County Surveyor is satisfied the Voluntary Merger is ready for recordation he will direct the Clerk of the Board to obtain the Chair's signature on the Order to Vacate and the Quitclaim Deed. Those documents will be picked up by the Real Property and recorded concurrently with the Voluntary Merger. Once the documents have been recorded, Real Property will return the original Resolution and Quitclaim to the Clerk of the Board, deliver copies to the applicant and to appropriate Divisions within the County, as well as retain a copy in its files.

**Attachments:**

CEQA: Notice of Exemption  
Summary Order to Vacate  
Quitclaim Deed Agreement  
Petition for Voluntary Merger (14VM03)

**Authored by:**

Jeff Havlik, Real Property Agent, Public Works - 568-3073

**cc:**

Bret Stewart, Senior Development Engineering Manager, Public Works - Surveyors Division, 568-3041  
Aleks Jevremovic, County Surveyor