



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: General Services
Department No.: 063
For Agenda Of: November 10, 2009
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Bob Nisbet, Director (560-1011)
Directors(s) General Services Department
Contact Info: Paddy Langlands, (568-3096)
Assistant Director, Support Services Division
**SUBJECT: Execution of Agreements to Provide Water: 710 & 718 Ballard Cyn. Rd., Solvang
Third Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk

As to form: Yes

Recommended Actions: That the Board of Supervisors:

- a. Approve and execute the original Agreement to Provide Water with Lisa S. Martin and Donna M. Williams, as owners of 710 Ballard Canyon Road, to provide for the delivery of water from the County's Ballard Canyon water system.
- b. Authorize the Chair to execute the attached original and duplicate original Agreement to Provide Water with David J. Petersen, Sheila J. Petersen, Ruben Graciano and Janeen Graciano, collectively owners of 718 Ballard Canyon Road, to provide for the delivery of water from the County's Ballard Canyon water system.

Summary Text:

The Agreement to Provide Water will provide for the delivery of water from the County well site on the property at 716 Ballard Canyon Road to the adjacent properties at 710 and 718 Ballard Canyon Road pursuant to an earlier agreement between the County and Mr. and Mrs. David Petersen dated March 28, 2000.

Background:

Between approximately 1950 and 1969 the County operated a landfill on a portion of the parcels currently known as 940 and 942 Ballard Canyon Road. In 1999 the County was sued by the then-current owners of those properties, and by the owners of surrounding properties (herein the “Impacted Properties”) who claimed their water wells were contaminated by materials leaching out of the closed landfill. After much research and negotiation the County entered into a Settlement Agreement with the owners of the Impacted Properties, which Agreement was signed on September 21, 2001.

The Settlement Agreement required the County to supply trucked in water to the Impacted Properties until the County could install a new water well, storage and pumping system to serve the Impacted Properties. The Settlement Agreement also allows the County to suspend delivery of water to the Impacted Properties when and if the groundwater in the water wells serving the Impacted Properties test below the California Maximum Contaminant Levels for all compounds of concern for a period of one year of at least quarterly monitoring.

The County is complying with the Settlement Agreement by delivering water to the Impacted Properties via truck.

Since reaching the Settlement Agreement, Public Works Resource Recovery and Waste Management has been actively working to design, permit and install a water well, storage and pumping system at 716 Ballard Canyon Road and a system to deliver water to the Impacted Properties via an underground pipeline located in Ballard Canyon Road.

As part of that ongoing effort to obtain a local source of water, the County entered into a Water System Agreement dated March 28, 2000, with Mr. and Mrs. David Petersen as owners of 716 Ballard Canyon Road, 710 Ballard Canyon Road and 718 Ballard Canyon Road.

The Water System Agreement of 2000 laid the groundwork for the Board of Supervisors on April 7, 2009, to accept the Grant of Utility Easement and Water Rights (the “Easement”) and execute the Agreement to Provide Water (Clerk of the Board File # 09-00301).

These agreements between the County and the Petersens granted the County the right to install, operate, remove water from, and maintain a water production well, storage facilities, piping and associated infrastructure on 716 Ballard Canyon Road. They also further describe the arrangement to provide free water to the Petersens in exchange for the easement and the right to pump water to the Impacted Properties.

The new water well has been installed on the property at 716 Ballard Canyon Road, and the water pipeline for transporting water from the well site to the Impacted Properties has been installed both within Ballard Canyon Road and the dirt road leading to the Impacted Properties.

The attached Agreements to Provide Water for 710 and 718 Ballard Canyon Road further the County's efforts and commitment to provide water to these properties pursuant to the 2000 Water System Agreement with the Petersens.

Upon recordation of the attached agreements, the County can apply for the permits necessary to begin operating the Water System and provide water to 716, 710 and 718 Ballard Canyon Road. The County is working on agreements with the property owners of the Impacted Properties so that they may be added to the Water System as well.

The Installation of the Water System was found to be in compliance with CEQA guidelines via the Notice of Exemption signed by Mr. Brian Baca on May 22, 2001.

Fiscal and Facilities Impacts:

There are no Fiscal or Facilities Impacts associated with execution of the Agreement to Provide Water. The Fiscal and Facilities components of this project have been addressed by Public Works, Resource Recovery and Waste Management in previous Board actions. Budgeted: Yes.

Special Instructions: After Board action, distribute as follows:

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| 1) Original Agreement to Provide Water (Martin-Williams) | GS/Real Estate Svcs., Attn: H. Heyl |
| 2) Copy of Agreement to Provide Water (Martin-Williams) | Clerk of the Board File |
| 3) Copy of Agreement to Provide Water (Martin-Williams) | Chris Wilson, Resource Recovery |
| 4) Original Agreement to Provide Water (Petersen-Graciano) | GS/Real Estate Svcs., Attn: H. Heyl |
| 5) Copy of Agreement to Provide Water (Petersen-Graciano) | Clerk of the Board File |
| 6) Copy of Agreement to Provide Water (Petersen-Graciano) | Chris Wilson, Resource Recovery |
| 7) Minute Order | GS/Real Estate Svcs., Attn: H. Heyl |
| 8) Minute Order | Chris Wilson, Resource Recovery |

NOTE: The Office of Real Estate Services will deliver the Agreements to Provide Water to the County Recorder's office for recordation. After recordation a copy of each of the above listed documents will be returned to the Clerk of the Board.

Attachments:

- Agreement to Provide Water (Martin-Williams)
- Agreement to Provide Water (Petersen-Graciano)

Authored by:

Harrison Heyl, Office of Real Estate Services

cc:

- Chris Wilson, Resource Recovery and Waste Management
- Imelda Cragin, Resource Recovery and Waste Management