

Recording requested by
and to be returned to:
County of Santa Barbara
Department of General Services
Office of Real Estate Services
WILL CALL

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

No fee pursuant to
Government Code § 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE
APN 023-091-007 (portion)

EASEMENT DEED
(PERMANENT EASEMENT)

MARILYN D. ANTICOUNI, owner of all that real property in the unincorporated area of the County of Santa Barbara, State of California, commonly referred to as 2826 Ben Lomond Drive, and more particularly described as County Assessor's Parcel Number 023-091-007, collectively referred to as GRANTOR herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

THE COUNTY OF SANTA BARBARA, a political subdivision of the State of California, its successors and assigns, as GRANTEE herein, a permanent easement for the present and future construction, reconstruction, operation, repair and maintenance of an existing sewer lift station, with such accessory parts and structures, and all appurtenances incidental thereto, as the GRANTEE, or its successors in interest, may from time to time deem necessary to install within the easement, together with the necessary rights of ingress and egress to the easement for the above-referenced purposes, in, on, over, along, under and through that certain land more particularly described on Exhibit "A" and shown on Exhibit "B", which are attached hereto and incorporated herein by this reference.

GRANTOR and its successors in interest retain the right to full use of the easement area except that within the easement area, no permanent structures or buildings can be erected or other use made by GRANTOR which would interfere with GRANTEE'S use of the easement.

GRANTOR shall defend, indemnify, save, and hold harmless GRANTEE, its agents, employees, officers, successors, and assigns from any and all claims, liabilities, demands, costs (including reasonable attorney fees), and causes of action of all kinds with regard to the condition of the easement property which is the subject of this deed, especially contamination by harmful, hazardous and/or toxic materials, if any.

In the event the indemnity hereunder exceeds that permitted by applicable law, such indemnity shall be construed as the maximum permitted by law. This indemnity shall not apply to any contamination which may occur on the easement property as a result of the operations of GRANTEE subsequent to the effective date of this easement.

DATED AS OF: MARCH 15, 2012

"GRANTOR"

MARILYN D. ANTICOUNI

By


MARILYN D. ANTICOUNI

ACKNOWLEDGMENT

State of California

County of Santa Barbara

On March 19, 2012, before me, Harrison C. Heyl, III, Deputy Clerk of the Board, personally appeared MARILYN D. ANTICOUNI, who proved to me on the basis of satisfactory evidence to be the person(s) whose names(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 signature(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 State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

CHANDRA L. WALLAR
CLERK OF THE BOARD

By: 

Harrison Heyl, Deputy Clerk
(Seal)

Exhibit A

Legal Description

That portion of the land in the County of Santa Barbara, State of California, as described in the deed to Marilyn D. Anticouni, recorded in the office of the County Recorder of said County April 22, 1998 as Instrument No. 98-027490 of Official Records, described as follows:

Commencing at the northeast corner of said Anticouni parcel, being a point in the centerline of Vista Elevada, a public street, 40.00 feet wide, and shown on the map filed in the office of said County Recorder in Book 87, Page 11 of Record of Surveys, at the southeasterly terminus of that certain course shown as having a bearing and distance of "South 70°32'40" East, 67.92 feet"; thence, along the easterly line of said parcel, South 08°29'40" East, 22.65 feet to the southwesterly line of Vista Elevada and the True Point of Beginning;

Thence, 1st, along said easterly line, South 08°29'40" East, 11.97 feet;

Thence, 2nd, North 76°39'04" West, 8.07 feet;

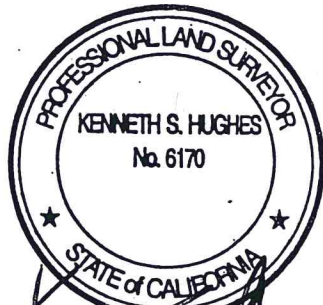
Thence, 3rd, North 17°45'47" East, 11.44 feet to said southwesterly line of said Vista Elevada;

Thence, 4th, along said line, South 70°31'22" East, 2.75 feet to the True Point of Beginning.

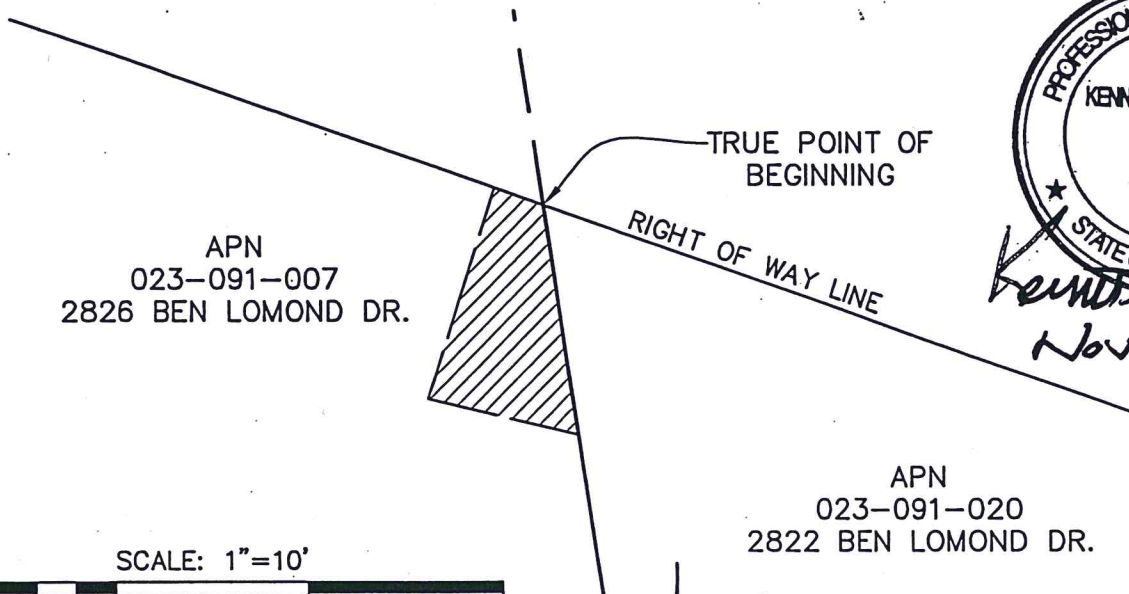
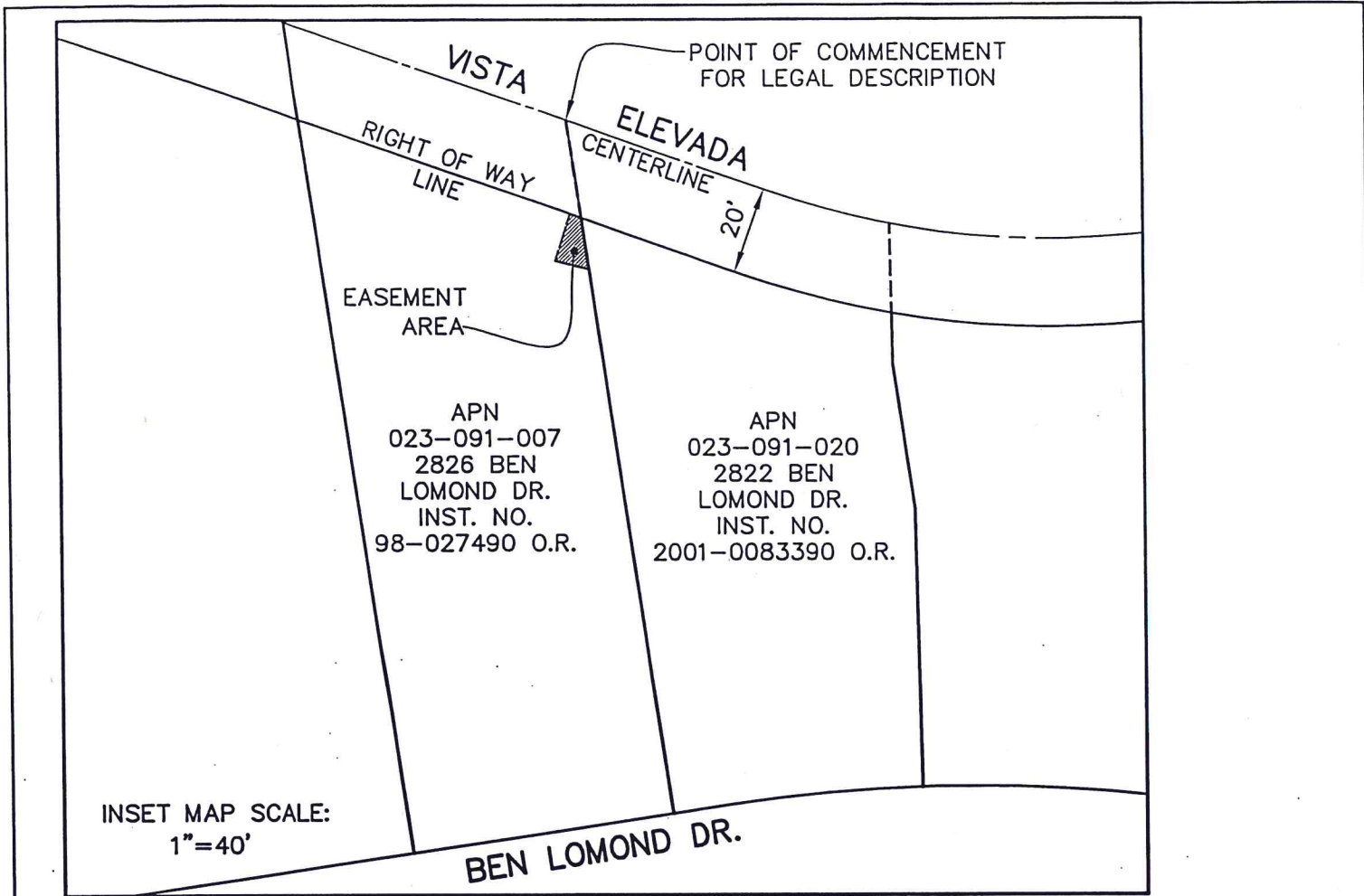
Containing 61 square feet, more or less.

Prepared by:

Kenneth S. Hughes
PLS 6170
License expiration
date: 3/31/12

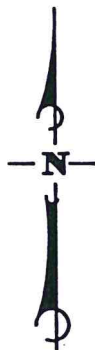
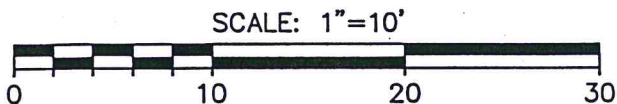


Kenneth S. Hughes
Nov. 16, 2011



Kenneth S. Hughes
Nov. 16, 2011

APN 023-091-020
2822 BEN LOMOND DR.



BS Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·

111 East Victoria Street, Santa Barbara, CA 93101
Phone: (805) 963-9532 Fax: (805) 966-9801
W.O. 19604.02 19604ESMT-EX.dwg

EXHIBIT B

SEWER LIFT STATION EASEMENT
APN 023-091-007
COUNTY OF SANTA BARBARA
STATE OF CALIFORNIA

NOVEMBER 16, 2011

CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS.

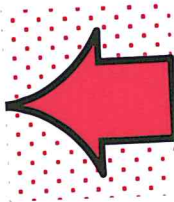
THIS IS TO CERTIFY that the interest in real property conveyed by the Easement Deed (Permanent Easement) dated as of March 15, 2012, from MARILYN D. ANTICOUNI, to the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, is hereby accepted by Order of the Board of Supervisors of the County of Santa Barbara on _____, and the County of Santa Barbara as GRANTEE consents to recordation thereof by its duly authorized officer.

WITNESS my hand and official seal

this _____ day of _____

CHANDRA L. WALLAR,
CLERK OF THE BOARD

By: _____
Deputy



APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

By: _____

Kevin E. Ready, Sr.
Senior Deputy County Counsel

Contract Summary Form:

Contract Number : 2012 - _____

Complete the information below, print this form, obtain the signature of the authorized departmental representative and submit this form to the Clerk of the Board with the contract package. See also: Contracts for Services Policy.

- D1. Fiscal Year: 2012-2013 FY
- D2. Budget Unit Number
- D3. Requisition Number
- D4. Department Name: Public Works Department
- D5. Contact Person: Martin Wilder
- D6. Phone: 739-8755

- K1. Contract Type (*check one*): [] Personal Service [X] Contract [] Lease Agreement
- K2. Brief Summary of Contract Description/Purpose: Acquisition of Easement for Sewer Lift Station
- K3. Original Contract Amount: \$5,750.00
- K4. Contract Begin Date: Execution by BOS
- K5. Original Contract End Date
- K6. This Amendment Number
- K7. - Total Previous Amendments
- K8. - This Amendment Amount
- K9. - Revised Total Contract Amount
- K10. - Revised End Date
- K11. Department Project Number.....: 002216

- B1. Is this a Board Contract (*Yes/No*).....: Yes
- B2. Number of Workers Displaced (*if any*)
- B3. Number of Competitive Bids (*if any*).....
- B4. Lowest Bid Amount (*if bid*)
- B5. If Board waived bids, show Agenda Date.....
- B6. ... and Agenda Item Number
- B7. Boilerplate Contract Text Unchanged? (*Yes/No*) :

- F1. Encumbrance Transaction Code.....
- F2. Current Year Encumbrance Amount: \$5,750.00
- F3. Fund Number.....: 2185
- F4. Department Number: 054
- F5. Division Number (*if applicable*)
- F6. Account Number: 7650
- F7. Cost Center number (*if applicable*)
- F8. Payment Terms.....: Upon approval by BOS

- V1. Auditor Vendor Number
- V2. Payee/Contractor Name: Craig and Judy Johnson
- V3. Mailing Address: 2822 Ben Lomond Drive
- V4. City: Santa Barbara
- V5. State (two letter): CA
- V6. Zip (include + 4 if known): 93105
- V7. Telephone Number: (805) 637-3409
- V8. Vendor's Federal Tax ID Number: 025-38-7597
- V9. Contact Person: Judy Johnson
- V10. Workers Comp Insurance Expiration Date
- V11. General Liability Insurance Expiration Date
- V12. Professional License Number.....
- V13. Verified by
- V14. Company Type (*Check one*): [X] Individuals [] Non-Profit [] Partnership [] Corporation

This information has been reviewed and is complete and accurate as presented. Concurrences as required are represented by signature on the contract signature page.

Date : _____ Authorized Signature :

Memorandum



DATE:

TO: Doug Anthony, Deputy Director,
Development Review Division
Planning & Development Department

FROM: Ronn Carlentine
General Services
Office of Real Estate Services

SUBJECT: Government Code Section 65402(a) - Conformity with County's Comprehensive Plan, Mission Canyon Sewer Easements (APNs 023-091-007, & 020).
First District

In accordance with Government Code Section 65402(a), the County of Santa Barbara, General Services Department is requesting a determination as to the conformity with the County's Comprehensive Plan for Mission Canyon of acquiring easements across a small portion of two private properties. An aboveground sewer lift station was constructed in Vista Elevada Road as part of the 1984 Mission Canyon Sewer Project. It was recently discovered that the lift station was inadvertently placed on a portion of the adjacent private properties located at 2822 and 2826 Ben Lomond Drive, in Mission Canyon. Acquisition and recordation of these easements will memorialize the County's right to maintain the lift station in its current location, provide access to the station for maintenance and repair, and compensate the property owners for the use of a portion of their property in perpetuity.

LOCATION: The County will be acquiring from willing private property owners two easements; one approximately 177 square foot easement over the property located at 2822 Ben Lomond Drive, in Mission Canyon (APN 023-091-020), and one approximately 61 square foot easement over the property located at 2826 Ben Lomond Drive, in Mission Canyon (APN 023-091-007), near Vista Elevada Road. The easement area is shown on exhibit "A" attached hereto and incorporated herein.

The **PURPOSE** of acquiring the easements is to provide for the continued operation and maintenance of the existing aboveground sewer lift station, in perpetuity.

The **EXTENT** of this proposed real property transaction is the County's purchase and acceptance of the easements from private property owners. Title to the easements will be held by the County of Santa Barbara. There is no change of use upon this conveyance.

In accordance with Government Code Section 65402(a), the General Services Department hereby requests that a finding be made by the Planning Commission as to whether the proposed acquisition of the easements by the County of Santa Barbara is consistent with the Comprehensive Plan of the County of Santa Barbara.

Please forward the Planning Commission final report to the Office of Real Estate Services, General Services Department for further processing of this transaction.

If you have any questions, please call me at extension 3078. Thank you for your assistance.