

**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: March 18, 2004
Department: Public Works
Department No.: 054
Agenda Date: April 20, 2004
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

STAFF

CONTACT: Michael B. Emmons, County Surveyor, (568-3012)
Jeff Havlik, Real Property Agent, (568-3073)

SUBJECT: Execution of Quitclaim
Third Supervisorial District
A.P.N. 141-111-049

Recommendation(s): That the Board of Supervisors:

Execute the attached Quitclaim Deed with Reservations regarding a portion of North Refugio Road adjacent to Santa Barbara County parcel number 141-111-049 owned by Robert and Anne Kernott which is located in the unincorporated area of the County near the City of Santa Ynez.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 2: A Safe and Healthy Community in Which to Live, Work, and Visit, and with actions required by law or by routine business necessity.

Executive Summary and Discussion:

The County of Santa Barbara (hereinafter the "COUNTY") has been determined to be the fee owner of that certain road in the unincorporated area of the County of Santa Barbara, State of California, commonly identified as North Refugio Road, (herein the "Road"). The Road was dedicated to the COUNTY for public use via Book 40, page 207 of Deeds, and in the Dedication found on Rack 3, Map 4 (Canada De Los Pinos) by the Santa Ynez Land and Improvement Company, recorded October 12, 1895 in the Office of the County Recorder of the County of Santa Barbara.

Local title companies incorrectly represented that the portion of the Road adjacent to Santa Barbara County parcel number 141-111-049 (herein the "Property") is an easement owned by the County and encumbering the Property. Based upon that information the Planning Commission approved a lot split of the Property. In fact, the Road is owned in fee by the COUNTY, therefore the County Surveyor cannot approve the tentative

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Executive Summary and Discussion (Cont.):

lot split map unless and until the COUNTY grants fee ownership of the portion of the Road in front of the Property to the Property owner. The portion of the Road located in front of and adjacent to the Property is approximately 23,439.6 square feet (herein the “Portion”).

The public and utility rights to use and maintain the right-of-way within the Portion are specifically reserved from the Quitclaim and will not be transferred. Execution and recordation of the Quitclaim will have no impact on the public’s continued use of the Portion or of North Refugio Road.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

There are no structures on the Portion, the North Refugio Road right-of-way and improvements will not be impacted. There are no Fiscal or Facilities impacts.

Special Instructions:

After Board action, please distribute as follows:

- | | | |
|----|-------------------------|---------------------------------|
| 1. | Original Quitclaim Deed | Public Works, Attn: Jeff Havlik |
| 2. | Copy of Quitclaim Deed | Clerk of the Board Files |
| 3. | Minute Order | Public Works, Attn: Jeff Havlik |

NOTE: Public Works, Real Property will deliver the original, executed Quitclaim Deed with Reservations for recordation. After recordation the original Quitclaim will be presented to the Clerk of the Board with a request for two certified copies, one for the Clerk of the Board files and one for Mr. & Mrs. Kernott the owners of the above referenced Property. The original recorded Quitclaim Deed will be filed with Public Works, Surveyors Office, Real Property.