



**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: April 9, 2019
Placement: Administrative
Estimated Tme: NA
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services/ Janette D. Pell, Director (805) 560-1011
Contact Info: Skip Grey, Assistant Director (805) 568-3083

**SUBJECT: County Grant of Non-exclusive Easement for Underground Utility
Purposes to Highlands at Double R, LLC in Orcutt, Fourth District**

County Counsel Concurrence

As to form: Yes

Other Concurrence:

Risk Management

Auditor-Controller Concurrence

As to form: NA

Recommended Actions:

That the Board of Supervisors:

- a) Find that a grant of a non-exclusive easement for underground public and private utilities across a 28-foot wide and approximately 820-foot long portion of County-owned real property located on County Assessor Parcel Number 101-400-014 from the COUNTY OF SANTA BARBARA to HIGHLANDS AT DOUBLE R, LLC., is in the public interest and will not substantially conflict with or interfere with the County’s use of the property and approve and authorize the Chair to execute the attached Utility Easement Agreement; and
- b) Consider the environmental effects of the Rice Ranch Project as shown in the Addendum to the Supplemental EIR [03EIR-00000-00005] dated December 22, 2015 and find that pursuant to California Environmental Quality Act (CEQA) Guidelines §15162, no substantial changes are proposed, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility

of mitigation measures and alternatives, and therefore approval of the Recommended Action is within the scope of the prior environmental review identified above. The above-described environmental documents can be found here:

<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=2528209&GUID=53212559-88D0-4251-82DD-0EA269F569E5&Options=&Search=>

Summary Text:

This item is on the agenda in order to consider approval and granting of a Non-Exclusive Utility Easement Agreement for public and private utilities that are necessary to serve and protect the public at Rice Ranch developments known as Meadows and Groves as needed.

Background:

On August 18, 2016 Tract Map 14,818 was recorded in Book 207 Pages 44 through 6, of official records in the Office of the County Recorder of Santa Barbara County. The recorded Tract Map provided for various dedications to the County of Santa Barbara, Laguna County Sanitation District and reserved certain easements to the Owners of Rice Ranch composed of various limited liability companies (Developer).

Developer dedicated 6-Lots to the County of Santa Barbara, which includes 310.5-acres of Open Space and a 26-acre Community Park for a total of 336.5-acres. Assessor Parcel Number 101-400-014, (Lot 3) is a total of approximately 48-acres. The Tract Map provides an ingress and egress easement over the entire Lot 3 to the Developer. In addition, the Tract Map includes a 1.35 acre public trail easement; within this public trail acreage, approximately 0.55-acres is reserved as a secondary fire access roadway.

As the Developer began to construct the Rice Ranch developments known as Meadows and Groves, it was realized that a utility easement for public and private utilities necessary to serve and protect the public for the Meadows and Groves Developments was not reserved on Lot 3.

The Developer has requested a Non-Exclusive Underground Utility Easement (Easement) be granted by the County of Santa Barbara to the Developer, for construction and installation of a water line to provide domestic and fire services and the storm drain system are utilities that are necessary to serve the Rice Ranch residential developments known as Meadows and Groves. The proposed Easement will be an underground easement with no above-ground structures or equipment and all proposed utilities will be within the secondary fire access roadway. The grant of the Easement will also allow the Developer to assign the necessary underground utility easement rights only to other entities that are required to serve the Meadows and Groves residential developments. Granting of the Easement will serve a public interest and will not interfere with the County's use of Lot 3.

Fiscal and Facilities Impacts:

There will be no direct fiscal or facilities impacts due to the recommended actions.

Staffing Impacts:

None

Special Instructions:

Clerk of the Board, please distribute as follows:

1. Return the original executed and dated Easement Deed, including completed, signed and sealed Acknowledgement to General Services, Attn: J. Cleary, for recordation.
2. Forward a copy of the Minute Order to General Services/Real Property Division, Attn: J. Cleary

Attachments:

- 1: Utility Easement Deed Agreement

Attachment 1

ATTACHMENT 1

Utility Easement Deed Agreement

Recorded request by
and to be returned to:
County of Santa Barbara
General Services Department
Real Property Division

Will Call

1105 Santa Barbara St 2nd Flr
Santa Barbara CA 93101

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

No fee pursuant to Government Code § 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE
A.P.N. 101-400-014 (portion of)
Real Property Division #003906

The undersigned grantor declares

DOCUMENTARY TRANSFER TAX \$ _____

- computed on full value of property conveyed, or
 computed on full value less liens and encumbrances remaining at the time of sale.
 Unincorporated Area in the Town of Orcutt

EASEMENT DEED AGREEMENT
(UTILITY EASEMENT)

COUNTY OF SANTA BARBARA, a political subdivision of the State of California, owner of all that real property in the unincorporated area of the County of Santa Barbara, State of California, commonly referred to as Assessor's Parcel Number: 101-400-014, (the "Property") referred to as COUNTY herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

HIGHLANDS AT DOUBLE R, LLC, a Delaware limited liability company, its successors and assigns (hereinafter referred to as "GRANTEE"), a non-exclusive underground utility easement for the present and future construction, reconstruction, operation, repair, and maintenance of subsurface utilities and appurtenances incidental thereto ("Facilities"), and for pedestrian and vehicular ingress and egress across such portion of real property, as necessary for installing, constructing, re-constructing, operating, repairing, maintaining and replacing Facilities as may from time to time be deemed necessary by GRANTEE. The utility easement area containing approximately 23,813 sq.ft., situated in the County of Santa Barbara, State of California, legally described in Exhibit "A" and shown on Exhibit "B", attached hereto and incorporated herein by reference, shall hereafter be referred to as the "Utility Area".

GRANTEE has the right to assign use of the Utility Area for subsurface utility purposes only, limited to underground Facilities and appurtenances incidental thereto. GRANTEE shall not be compensated for any such rights assigned.

COUNTY retains the right to use and to grant other easements across the Utility Area that do not interfere with the GRANTEE's rights and use of the Utility Area.

GRANTEE agrees to indemnify, defend and hold harmless COUNTY and its officers, officials, employees, agents and volunteers from and against any and all claims, actions, losses, damages, judgments and/or liabilities arising out of this easement from any cause whatsoever, including the acts, errors or omissions of any person or entity and for any costs or expenses (including but not limited to attorneys' fees) incurred by COUNTY on account of any claim except where such indemnification is prohibited by law. GRANTEE'S indemnification obligation applies to GRANTOR'S active as well as passive negligence but does not apply to COUNTY's sole negligence or willful misconduct.

GRANTEE, their contractors, employees, etc., shall be responsible for any and all permits and approvals required to construct, install, repair and maintain any utilities in the Utility Area.

IN WITNESS WHEREOF, COUNTY and GRANTEE have executed this Easement Deed Agreement by their respective authorized representatives set forth below.

“COUNTY”
COUNTY OF SANTA BARBARA

Steve Lavagnino, Chair
Board of Supervisor

DATE: _____

“GRANTEE”
HIGHLANDS AT DOUBLE R, LLC
a Delaware limited liability company

BY: MEADOWS GROVES VENTURE, LLC,
a California limited liability company

Gary Grossman
Its; Manager

DATE: _____

BY: RICE RANCH VENTURES, LLC,
a Delaware limited liability company

By: SBRR PARTNERS, LLC,
a California limited liability company,
Its Manager

John Scardino
Its: Manager

DATE: _____

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF SAN LUIS OBISPO)

On _____, before me, _____, Notary Public, personally appeared John Scardino, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of Lot 3 of Tract 14,818, in the County of Santa Barbara, State of California according to the map filed August 18, 2016 in Book 207 of Maps at Pages 44 through 61 in the Recorder's Office of said County and State described as follows:

A strip of land 28.00 feet wide, lying 14.00 feet on each side of the following described centerline:

Commencing at the radius-point of the northerly cul-de-sac of Lady Bells Drive according to the map of Tract 14,805 filed November 20, 2017 in Book 208 of Maps at Pages 52 through 70 in the Recorder's Office of said County and State, said point being the 2-inch brass cap stamped "L.S. 8769" in monument well according to said map of Tract 14,805 and bearing North $66^{\circ}48'49''$ West a distance of 820.63 feet from the radius-point of the northerly cul-de-sac of Leaf Spring Place according to said map of Tract 14,805, said radius-point of Leaf Spring Place being the 2-inch brass cap stamped "L.S. 8769" in monument well according to said map of Tract 14,805;

Thence North $84^{\circ}19'34''$ East a distance of 50.00 feet to a point on the easterly right-of-way of Lady Bells Drive, said point being the TRUE POINT OF BEGINNING of said centerline;

thence, leaving said easterly right-of-way, North $89^{\circ}10'19''$ East a distance of 106.16 feet to the beginning of a curve concave southwesterly having a radius of 100.00 feet;

thence southeasterly along said curve through a central angle of $57^{\circ}26'31''$ an arc length of 100.25 feet to the beginning of a reverse curve concave northeasterly having a radius of 100.00 feet;

thence southeasterly along said curve through a central angle of $62^{\circ}23'45''$ an arc length of 108.90 feet;

thence North 84°13'04" East a distance of 229.10 feet to the beginning of a curve concave southwesterly having a radius of 100.00 feet;

thence southeasterly along said curve through a central angle of 99°17'56" an arc length of 173.31 feet to the beginning of a reverse curve concave easterly having a radius of 100.00 feet;

thence southerly along said curve through a central angle of 41°13'31" an arc length of 71.95 feet;

thence South 37°42'31" East a distance of 59.45 feet to a point on the northwesterly right-of-way of Leaf Spring Place, said point bearing North 30°03'17" West a distance of 50.00 feet from said radius-point of Leaf Spring Place and being the POINT OF TERMINATION of said centerline.

The sidelines of said strip of land are to be lengthened or shortened to terminate at said easterly right-of-way of Lady Bells Drive and said northwesterly right-of-way of Leaf Spring Place.

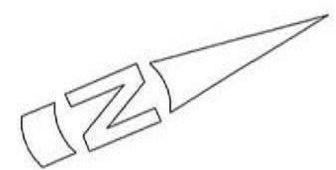
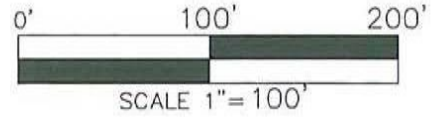
The attached "Exhibit 'B' Graphic Exhibit" is made part of this description.

Marc Dakos 02/15/19

Marc D. Dakos, LS 8769 (Date)
Professional Land Surveyor



EXHIBIT "B" GRAPHIC EXHIBIT



LEGEND:

POC	POINT OF COMMENCEMENT
TPOB	TRUE POINT OF BEGINNING
POT	POINT OF TERMINATION
	2" BRASS CAP STAMPED "L.S. 8769" IN MONUMENT WELL PER BOOK 208 OF MAPS, PAGES 52-70

