



**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:** July 5, 2011  
**Placement:** Administrative  
**Estimated Tme:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Director Scott D. McGolpin, Director Public Works, 568-3010  
Contact Info: Dacé Morgan, Deputy Director, Transportation, 568-3064  
Michael Emmons, County Surveyor, 568-3034  
**SUBJECT: Quitclaim a Portion of Unused Fee – Owned Road Right of Way, Fourth  
Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: NA

**Other Concurrence:**

As to form: NA

**Recommended Actions:**

That the Board of Supervisors:

- A) Find that the Quitclaim of County fee property is exempt under California Environmental Quality Act (CEQA) guidelines Section 15312, pertaining to the sale of Government surplus property and minor alterations of existing facilities. Direct staff to file the Notice of Exemption with the Clerk of the Board (POST); and
- B) Approve and authorize the Chair to execute the Quitclaim with Reservations re: the County's fee ownership of unused land between Highway 101 and APN 107-240-024, near the intersection of Cedarhurst and East Foster Road in the Orcutt area of the County of Santa Barbara.

**Summary Text:**

Santa Barbara County is the fee owner of unused right-of-way ("ROW") near Santa Maria. Execution of a document transferring title to Mr. Towbes will consummate an agreement signed by the County and Mr. Towbes in 1978 which was recorded in Santa Barbara as Instrument No. 78-47120 (the "Agreement")

**Background:**

In 1978, the County of Santa Barbara and Michael Towbes reached an agreement in conjunction with Tentative Parcel Map for Lot Split 12,127 whereby Mr. Towbes agreed to construct specified public roads and in exchange the County would vacate and transfer unused right-of-way along the project boundary which the County holds in fee. That agreement was signed by the Board of Supervisors on October 9, 1978 and subsequently recorded in Santa Barbara as Instrument No. 78-47120 (the "Agreement"). The Agreement is attached for your information.

The roads specified in the Agreement were constructed by the Towbes Group and accepted by the Santa Barbara County Director of Transportation. In exchange, the County vacated the right-of-way as specified in the Agreement via Resolution 78-416, which Resolution contained a reservation of utility rights and was recorded as Instrument No. 78-47614. However a deed formally completing the conveyance pursuant to the Agreement was never finalized. The subject Quitclaim will complete the County's actions agreed to in the Agreement.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Narrative:** There are no Fiscal or Facilities impacts associated with the proposed actions.

**Staffing Impacts:**

**Legal Positions**

None

**FTEs:**

None

**Special Instructions:**

Clerk of the Board, please distribute as follows:

- |    |                          |                                 |
|----|--------------------------|---------------------------------|
| 1. | Original Quitclaim Deed  | Public Works, Attn: Jeff Havlik |
| 2. | Copy of Quitclaim Deed   | Clerk of the Board Files        |
| 3. | Copy of the stamped CEQA | Public Works, Attn: Jeff Havlik |
| 4. | Minute Order             | Public Works, Attn: Jeff Havlik |

**NOTE:** After execution, Real Property will deliver the original Quitclaim Deed with Reservations to the County Recorder's office for recordation. After recordation, Real Property will return the original to the Clerk of the Board. Real Property will deliver copies to the property owners and appropriate Divisions within the County, as well as retain a copy in its files.

**Attachments:**

CEQA Notice of Exemption  
The 1978 "Agreement"  
Quitclaim Deed with Reservations

**Authored by:**

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

**CC:**

Bret Stewart, Senior Development Engineering Manager, Public Works - Surveyors Division, 568-3041