

de la Guerra, Sheila *Public Comment*

From: Chloe Lucado <chloe@nshmlaw.com>
Sent: Monday, November 15, 2021 4:56 PM
To: sbcob
Cc: Jonathan Miller; Jordan Porter
Subject: Dolcini Family Trust Agricultural Preserve Contract
Attachments: Letter to Board of Supervisors 11.15.21.pdf



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Dear Clerk of the Board of Supervisors:

Please see the attached correspondence regarding Proposed Agricultural Preserve No. 21AGP-00000-00009. Kindly contact Jordan Porter at jordan@nshmlaw.com with any questions.

Sincerely,

Chloe Lucado | Legal Assistant | Nye, Stirling, Hale & Miller, LLP
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November 15, 2021

VIA ELECTRONIC MAIL

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 107
Santa Barbara, CA 93101
E: sbcob@countyofsb.org

Re: Dolcini Family Trust Agricultural Preserve Contract
Proposed Agricultural Preserve No. 21AGP-00000-00009
File #21-01015, Agenda #A-26

To the Clerk of the Board of Supervisors:

Nye, Stirling, Hale & Miller, LLP, represent the Adam Agricultural Limited Partnership (“Adam Partnership”) with respect to certain claims to a road over the Dolcini Family Properties, identified as Assessor’s Parcel Numbers 113-170-003, 113-170-004 (6450 Brown Road) & 113-190-001 (6494 Brown Road).

The Adam Partnership has asserted those claims in a civil lawsuit pending before Judge James Rigali, Santa Barbara Superior Court case number 15CV03897. Trial in the matter was conducted over several days in the Winter and Spring of 2021. The road traversing the Dolcini properties in is depicted on Board Letter Attachment C¹: Vicinity Map 21AGP-00009. The Adam Partnership is the owner of APN 113-220-002 (the triangle shaped lot), and 113-220-003 (the adjacent rectangular-shaped lot) immediately south of APN 113-190-001.

The Court has announced a tentative ruling that an easement exists over the road crossing the Dolcini Properties at 6450 and 6494 Brown benefitting the Adam Partnership properties. However, final judgment has not been entered pending completion of a road survey in order to draft a legal description of the easement. That survey is currently underway and the legal description is expected to be complete in January or February 2021.

¹ Attachment C is also identified as Attachment 3 in the Board Letter.

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Entry and recording of the judgment describing the Adam Partnership easement will affect the legal description of the Dolcini Family Properties attached to the Land Conservation Contract and may affect the overall size of the acreage preserved.

Additionally, APN 113-190-001 appears to be subject to Oil Drilling & Production Plan number 06PPP-00000-00001, Land Use Permit 10LUP-00000-00452, and recorded conditions of approval for case numbers 07CUP-00000-00080 and 07CUP-00000-00028. It is not clear from the board letter that the Agricultural Preserve Advisory Committee or staff were aware of, or considered these approved activities when it considered the proposed agricultural preserve contract, or considered whether these approved activities are compatible with the Williamson Act including section 51238.2. The foregoing conditions and restrictions have been omitted from the agricultural preserve contract.

On behalf of the Adam Partnership, we respectfully request the Board of Supervisors defer action on this item, and continue further consideration of the item for a period of at least one hundred twenty (120) days in order for the Court's to enter final judgment describing the Adam Partnership easement, and for that judgment to be recorded.

Sincerely,



JORDAN T. PORTER