

**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: 10/24/03
Department Name: Public Works
Department No.: 054
Agenda Date: 12/09/03
Placement: Departmental
Estimate Time: Ten Minutes
Continued Item: Yes
If Yes, date from: 11/25/03

TO: Santa Barbara County Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

STAFF Bret Stewart
CONTACT: Traffic Section Manager, telephone: 568-3232

Harrison Heyl
Real Property Agent, telephone: 568-3072

Michael B. Emmons
County Surveyor, telephone 568-3020

SUBJECT: Road Vacation/Abandonment Fees
Certificate of Compliance Review Fees
All Supervisorial Districts

Recommendation(s):

That the Board of Supervisors adopt the following:

1. A resolution authorizing the Public Works Director, or designee, to collect initial deposits in the amount of \$2,000 for road easement vacations, to collect initial deposits of \$5,000 for abandoning fee roads or road abandonments involving development projects, and to collect additional fees as required, based on best estimates to complete the projects and also authorizing the County Surveyor, or designee, to collect initial deposits in the amount of \$1,000 per parcel for Certificates of Compliance and conditional Certificates of Compliance and to collect additional fees as required, based on best estimates to complete certificate processing; and
2. A policy regarding fee owned roadways transferred to private parties.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

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Executive Summary and Discussion:
Road Vacation/Abandonments

The County of Santa Barbara Public Works Department (“County”) frequently receives requests to vacate or abandon public rights-of-way that are not required for present or future use as a roadway or bike path. The Board of Supervisors is authorized under Section 8321(d) of the California Streets and Highways Code to require the payment of fees to defray the expenses of investigations, mailings, publications, and postings which are required in order to lawfully vacate or abandon a public right-of-way.

The County Board of Supervisors adopted Board Resolution 85-408 on September 16, 1985, establishing a fee of \$900 for the vacation of roadways. However, the costs for the vacation/abandonment of such roadways have risen over the years due to inflation, legislation and increasingly sophisticated legal processes. Additionally, the road vacation/abandonment process has been refined as the County has gained experience over the years in vacating and abandoning such roadways. The County has encountered a wide range of road vacations of various types and now makes the distinction between the vacation of easements and abandoning of fee rights-of-way, the latter of which require an appraisal and the sale of such surplus road property. Some road vacation/abandonments also are connected to development projects which involve complicated road issues, such as the exchange of property between the County and private developers.

The County has tracked the costs for completing these various types of road vacations and abandonments. It appears from the evidence that the fees required range from approximately \$2,000 for the simpler kinds of road vacations to over \$5,000 for the most complicated road vacations/abandonments involving the appraisal and sale of fee road property connected to development projects.

It is the County’s policy to recover the full costs associated with the expenses of investigations, mailings, publications and postings. Staff labor costs are assessed at the standard rates allocated for staff cost recovery by the affected County Departments for the staff assigned to do the work.

Adoption of the attached Resolution will authorize the Director of Public Works, or designee, to collect deposits for road easement vacations in the amount of \$2,000; deposits for abandoning fee roads and road vacation/abandonments associated with development projects in the amount of \$5,000; and to collect additional fees as required, based on best estimates to complete the projects.

The fees shall not exceed the cost of the staff labor and expenses required to vacate such public rights-of-way, and any deposits or fees collected that are in excess of the labor costs and expenses to complete the road vacation/abandonment shall be returned to the applicant.

Board Policy regarding fee owned roadways transferred to private parties

In most cases, the resultant abandoned roadway approved by the Board of Supervisors is sold to the applicant of the road being abandoned. In the event where the property is transferred to another party other than the applicant, the policy of the Board of Supervisors shall be to have the buyer of the abandoned property pay the appraised value of the property to the County plus all fees paid to the County and any direct costs of preparation of documents used in the recording of the sale (i.e. Title reports, legal

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description preparation, etc.) of the property that are incurred by the applicant. The County shall then reimburse the applicant for the extra monies collected.

Certificate of Compliance Review

The County Surveyors Office regularly receives applications for Certificates of Compliance from private land owners to determine if a parcel of land was created in accordance with the Subdivision Map Act and local ordinances. Under Government Code Section 66499.34-.36, the County is required to review the application and make a determination of compliance. Once that determination has been made, the County issues and records either a Certificate of Compliance or a conditional Certificate of Compliance.

The County Board of Supervisors adopted Board Resolution 89-156 effective April, 28, 1989, establishing a deposit fee of \$1700 for Certificates of Compliance issuance and recordation and \$1900 for conditional Certificates of Compliance issuance and recordation. However, the County Surveyor has performed a cost analysis and has determined that the actual average cost for both types of certificates is lower than the initial deposit required by previous ordinance. In addition, it has been determined that there is no appreciable differences in processing costs between the two types of projects.

It is the County's policy to recover the full costs associated with the review of these documents and staff labor costs are assessed at the standard rates allocated for staff cost recovery.

Adoption of the attached Resolution will authorize the County Surveyor, or designee, to collect deposits for Certificates of Compliance and conditional Certificates of Compliance in the amount of \$1,000; and to collect additional fees as required, based on best estimates to complete the projects.

The fees shall not exceed the cost of the staff labor and expenses required to process such certificates, and any deposits or fees collected that are in excess of the labor costs and expenses to complete the applications shall be returned to the applicant.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

No fiscal or facilities impacts. Revenues to be received from the recommended action are included in the 2003/04 Operating Plan, Surveyor Division, Page D-318.

Special Instructions: After Board action, distribute as follows:

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| 1. | Original Resolution | Clerk of the Board File |
| 2. | Copy of Resolution, Minute Order | Surveyor's Division, Attn: Michael Emmons |
| 3. | Copy of Resolution, Minute Order | Traffic Section, Attn: Bret Stewart |

Concurrence:

Auditor-Controller
County Counsel
County Administrator