

ATTACHMENT 11: BOARD OF SUPERVISORS RESOLUTION 04-222



2004-0083284

Recording requested by and)
to be returned to:)
SANTA BARBARA COUNTY)
PUBLIC WORKS DEPARTMENT,)
SURVEYORS OFFICE, REAL PROPERTY)
WILL CALL)

Recorded REC FEE .00
Official Records
County Of
SANTA BARBARA
JOSEPH E. HOLLAND
Recorder
11:04AM 06-Aug-2004 evc
Page 1 of 4

H. H. H. H.

NO FEE PER GOVERNMENT CODE § 6103)

RESOLUTION NO. 04-222

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

In The Matter Of The Proposed Vacation)
of a Portion of Shaw Street in the)
Unincorporated Area of Santa Barbara) STREETS AND HIGHWAYS
County known as Los Alamos) CODE SECTION 8320

ORDER TO VACATE WITH RESERVATIONS
(PORTION OF A COUNTY RIGHT-OF-WAY)

WHEREAS, the County of Santa Barbara (hereinafter "COUNTY") is the owner of that certain road right-of-way in the unincorporated area of the County of Santa Barbara, State of California, commonly identified as a portion of Shaw Street in Los Alamos. Said portion was acquired by COUNTY as various easements as shown on: 1) Parcel Map number 14,558 accepted by the COUNTY on April 1, 2003, and 2) via Easement Deed recorded as Instrument number 2003-0114876 on August 22, 2003. The portion of said right-of-way proposed for vacation is shown on the map attached hereto as "Exhibit A" (hereinafter the "Portion"); and

WHEREAS, it has been determined by the Santa Barbara County Public Works Department that the Portion is unnecessary for present or prospective public use as a county road or bicycle path pursuant to Section 892[a] of the Streets and Highways Code and that Santa Barbara County (herein the "County") has no plans to use or develop the Portion for public use; and

WHEREAS, the County's Public Works Department, Transportation Division has determined it is in the public interest to vacate the public right-of-way thereon and allow the Portion to become a private road; and

WHEREAS, the vacation will remove the public right to access the Portion but will not remove the right to install and maintain utilities and storm drainage facilities or deny any adjacent property owner(s) access to his/ her property; and

WHEREAS, on June 15, 2004, the Board of Supervisors adopted a Notice and Resolution of Intent to Vacate a County Road concerning the Portion (Resolution No. 04-179), and

WHEREAS, the Board of Supervisors of Santa Barbara County deems it to be in the best interest of the public to declare that the Portion is in excess of COUNTY'S present and foreseeable needs; and

WHEREAS, the Board of Supervisors set July 20, 2004, as the date for hearing from members of the public interested in commenting on the proposed Order to Vacate with Reservations regarding the Portion; and

WHEREAS, the Clerk of the Board published the Board's intention to vacate the Portion and the July 20, 2004, hearing date in the Santa Barbara News-Press for two (2) successive weeks prior to the hearing date pursuant to State of California Streets and Highways Code Section 8322(a); and

WHEREAS, the Public Works Department posted the Board's notice of its intention to vacate the Portion and the July 20, 2004, hearing date conspicuously along the Portion for two (2) weeks prior to said hearing pursuant to Streets and Highways Code Section 8323.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of COUNTY does hereby find, determine and order as follows:

1. That the above recitals are true and correct; and
2. That notice has been provided as required by law; and
3. The Portion is described above and is shown on "Exhibit A" attached hereto; and
4. That pursuant to Section 8324 of the Streets and Highways Code of the State of California, the public's right to use the Portion is hereby vacated; and
5. That the owner(s) of the parcels traversed by or abutting the Portion currently identified as Santa Barbara County Assessor's parcel numbers 101-260-017, -038, -039 and -040, 101-290-047, -048, -049 and -050, their heirs and assigns shall continue to have the right of ingress and egress to the Portion; and
6. That in the event any of the above parcels are legally subdivided the new parcels resulting there from shall also have the right of ingress and egress; and
7. That all existing and future public utilities and drainage rights shall be preserved; and
8. That this Resolution, attested to by the Clerk of the Board under the seal of the Board, shall be recorded in the Office of the County Recorder in the County of Santa Barbara, State of California, and that the date of recording shall become the effective date of this Order to Vacate with Reservations.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 3rd day of August, 2004 by the following vote:

AYES: Supervisors Schwartz, Rose, Marshall and Centeno

NOES: None

ABSENT: Supervisor Gray

ABSTAINED: None

This is a true certified copy of the original document on file or of record in my office. It bears the seal and signature, imprinted in purple ink, of the Clerk of the Board of Supervisors.



Clerk of the Board, Santa Barbara County, California
Date: 8/3/04 by Deputy [Signature]

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

COUNTY OF SANTA BARBARA

By: [Signature]
Deputy

By: [Signature]
Chair, Board of Supervisors

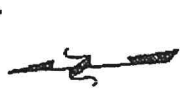
Date: 8/3/04

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By: [Signature]
Deputy

Shaw St. Order 3 of 3

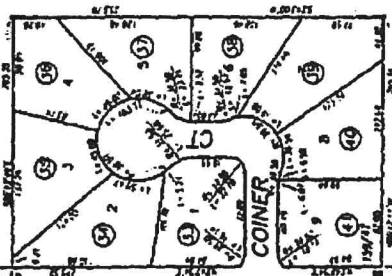
101-29



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NOTICE
Assessor's Parcels are for assessment purposes only and do not constitute a parcel legally or a valid liability title.

Assessor's Map Bk. 101-Pg. 29
County of Santa Barbara, Calif.

10/18/1995 R.M. Bk. 159, Pg. 44-46, Tract 13,993
05/05/1993 R.M. Bk. 159, Pg. 44-46, Tract 13,993
05/05/1983 R.M. Bk. 159, Pg. 44-46, Tract 13,993

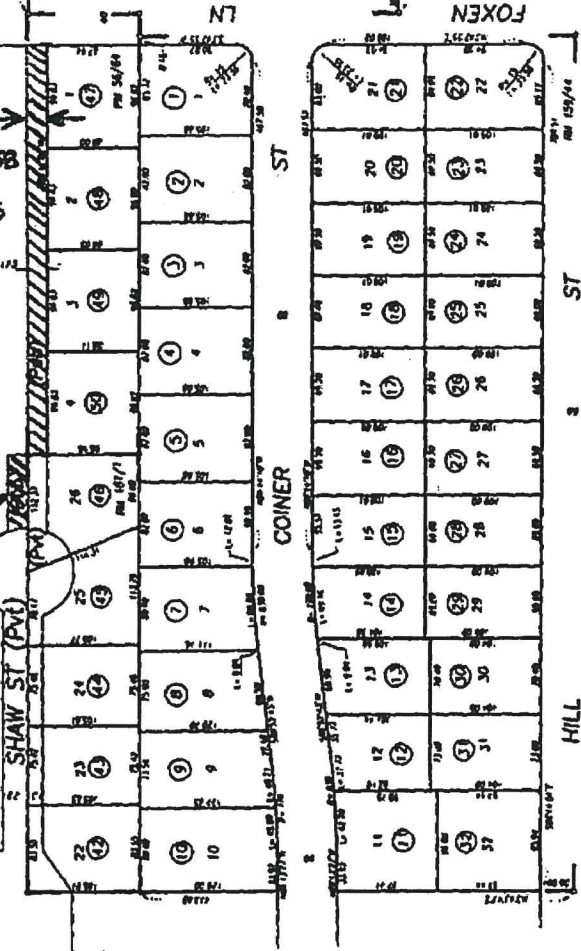
17.5' EASEMENT PER PM 14,558
BOOK 56
PAGES 64 & 65
OF PARCEL
MAPS

17.5' EASEMENT PER
Inst. #
2003-00114876
DATED 8/22/03

INCORPOR. RANCHO LOS ALAMOS

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Area of vacation

EXHIBIT A