



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 /  
Public Works  
**Department No.:** 063 / 054  
**For Agenda Of:** February 28, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

---

**TO:** Board of Supervisors  
**FROM:** Department Directors Janette D. Pell, General Services, 805-560-1011  
Scott McGolpin, Public Works, 805-568-3010  
Contact Info Skip Grey, Assistant Director, General Services, 805-568-3083  
Chris Sneddon, Assistant Director, Public Works, 805-568-3005  
**SUBJECT: Summary Vacation of Unused Portion of a County Road Easement and Right of  
Way at Frey Way and Storke Road, Goleta; Third District (RP File #004027)**

---

**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve, adopt, and authorize staff to record a Resolution, Findings, and Summary Order to Vacate, thereby vacating the unused northerly 30-foot portion of a County road easement and Right of Way for ingress and egress above Frey Way at Storke Road on a portion of Assessor's Parcel Number (APN) 073-440-026 in Goleta; and
- b) Determine that the recommended actions are exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3), No Possibility of an Environmental Impact, and direct staff to file a Notice of Exemption on that basis.

**Summary Text:**

This item is brought to the Santa Barbara County ("County") Board of Supervisors pursuant to and in accordance with Sections 8334(a) and 8335 of California Streets and Highways Code, in order to vacate and remove from County inventory an unimproved, undeveloped, and unused 30-foot portion ("Portion") of a County road easement and Right of Way for ingress and egress above Frey Way at Storke Road on a portion of APN 073-440-026 in Goleta, which Portion is more particularly described in the Legal Description attached as Exhibit A, and depicted in Exhibit B, to the Resolution, Findings, and Summary

Order to Vacate (Attachment 1). The underlying real property known as APN 073-440-026 (“Property”) is owned in fee by Camino Real IV, LLC, a California limited liability company, as to an undivided 50% interest, and by John E. Price and Janna M. Price, Trustees of The Price Living Trust dated September 28, 2007, as to an undivided 50% interest, as tenants in common (the owners collectively, “Camino IV”).

**Background:**

The County is the holder of a permanent 60-foot wide road easement and Right of Way for ingress and egress purposes recorded on April 12, 1967 as Instrument Number 10048 in Book 2187, Page 363 of the Official Records in of the Office of the County Recorder, City of Goleta, County of Santa Barbara, State of California, and described in a Certificate of Conformity recorded December 13, 2013, as Instrument Number 2013-0078219 of the Official Records of the Office of said County Recorder, and shown on Parcel Map No. 10,598, filed in Book 2, Page 38 of Parcel Maps in the Office of said County Recorder (“Road Easement”).

The southerly 30-foot portion of the Road Easement was developed as the private road Frey Way, which functions as an access road for ingress and egress to County Fire Station #11 from Storke Road. Frey Way was constructed to a width of only 30-feet, as opposed to 60-feet, and the northerly 30-foot Portion of the Road Easement remains undeveloped, unused, and continues to encumber Camino IV’s Property.

As fee owner of the Property encumbered by the Road Easement, Camino IV has petitioned the County to vacate the unused Portion of the Road Easement to clear such encumbrance on Camino IV’s title to the Property. Since Camino IV already owns fee title to the Property, a quitclaim is not required to effect the requested vacation.

Sections 8334(a) and 8335 of the California Streets and Highways Code provide that the County Board of Supervisors may summarily vacate an excess right-of-way of a street or highway that is not required for street or highway purposes by adopting a resolution of vacation.

The County Public Works Department has determined that, in accordance with Section 892(a) of the California Streets and Highways Code, the Portion is not useful as a bicycle path or route. The County’s Public Works Department has also determined that the Portion is unnecessary for present or future public use as a county road and is no longer required by the traveling public or the County.

For a period of more than five (5) consecutive years preceding this proposed vacation, the Portion has not been used for the purpose for which the Road Easement was granted, has not been developed, is impassable for vehicular travel, and no public money has been expended for its maintenance. No parcels will be landlocked as a result of the proposed vacation.

California Government Code Section 65402 requires a determination by the applicable planning agency as to the conformity with the applicable General Plan of any property disposition. The Portion and encumbered Property are in the jurisdiction of the City of Goleta. A request for determination of conformity with the City of Goleta’s General Plan was made on August 24, 2022, and a second request was made on September 28, 2022. On September 28, 2022, the City of Goleta planner submitted an email response stating that they agreed to the proposed vacation of the Portion and had nothing more to add. The allowable period of 40 days for response to our request pursuant to California Government Code Section 65402 expired on October 3, 2022, with no further response from the City of Goleta Planning Commission, and such non-response is thereby deemed a finding that the proposed summary vacation is in conformity with the City’s adopted general plan.

The proposed action is exempt from environmental review in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15601(b)(3), as the proposed action will have no possibility of

an Environmental Impact. Therefore, a Notice of Exemption has been prepared and is attached as Attachment 2.

**Fiscal and Facilities Impacts:**

Budgeted: Not applicable.

Narrative: The Board of Supervisors' approval and adoption, and staff's recordation, of the Resolution, Findings, and Summary Order to Vacate will have no direct fiscal or facilities impacts. The applicant paid County's staff time necessary to facilitate this action. There are no facilities nor impacts associated with the proposed actions. Other than paying for staff time, no compensation was received by the County in exchange for the easement and right of way to be summarily vacated, as the applicant already owns the underlying real property in fee.

**Key Risks:**

None.

**Special Instructions:** Clerk of the Board, after Board action, please distribute as follows:

1. Return the original Resolution, Findings, and Summary Order to Vacate to General Services/Real Property Division, Attn: Shauna Dragomir, for recordation.
2. Forward a copy of the Minute Order to [sdragomir@countyofsb.org](mailto:sdragomir@countyofsb.org).

**Attachments:**

1. Resolution, Findings, and Summary Order to Vacate
2. CEQA NOE

**Authored by:** S. Dragomir