

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 A)
COUNTY ROAD)

RESOLUTION NO. _____
STREETS AND HIGHWAYS CODE
SECTION 8320

**NOTICE OF INTENT TO VACATE
A COUNTY ROAD**

**PORTION OF
MIRAMAR AVENUE, MONTECITO**

WHEREAS, the County of Santa Barbara (hereinafter "COUNTY") is the owner of that certain road property in the unincorporated area of the County of Santa Barbara, State of California, known as Miramar Avenue, Montecito (the "Road"), which Road was acquired in easement interest by COUNTY pursuant to that certain "Oceanside Subdivision" Tract Map recorded in Map Book 1, Page 29, of Maps and Surveys of the Office of the County Recorder; and

WHEREAS, the North-South segment of Miramar Avenue proposed for vacation (herein the "Portion") is located between County Assessor's Parcel Numbers 009-333-010 and 009-371-004 (herein the "Properties") and is legally described and shown on Exhibits "A" and "B" attached hereto and incorporated herein by this reference; and

WHEREAS, the owners of the Properties submitted an application to the COUNTY to vacate the Portion on May 2, 2007, as part of the Miramar Hotel and Bungalow Project (the "Project"); and

WHEREAS, the proposed right-of-way vacation would dispose of COUNTY road right-of-way by permanently removing the COUNTY's easement interest in the Portion so the applicant can incorporate the Portion into the Project; and

WHEREAS, the vacation of the Portion has been an integral part of the Project since its inception; and

WHEREAS, at its regular meeting of May 12, 2008, the COUNTY'S Planning Commission found the abandonment of the COUNTY'S right-of-way to be in conformity with the COUNTY'S Comprehensive Plan pursuant to Government Code Section 65402(a); and

WHEREAS, the Project was considered in the March 24, 2015 Addendum together with the previously certified Environmental Impact Report [08EIR-00000-00003], the previously adopted Mitigated Negative Declaration [00-ND-003] and the previous Addenda dated December 9, 2008, and March 11, 2011; and

WHEREAS, the Project and CEQA Findings received final approval by the COUNTY Board of Supervisors on April 14, 2015 (Clerk of the Board File # 15-00258); and

WHEREAS, New Condition of Approval No. 88, Special Condition DVP-1, found on Page 2-56 of the Conditions of Approval, which is found in "Attachment 2 – Updated Conditions" to the April 14, 2015, Board of Supervisors Agenda Letter requires that, "Prior to approval of the first follow-on Zoning Clearance for the Project, the abandonment of the North-South segment of Miramar Avenue and dedication of public access easements through the site (as shown on sheet A1.02b of the approved plans) shall be approved by the Board of Supervisors"; and

WHEREAS, therefore the General Services Department shall *not* finalize the vacation of the Portion by recording the final Order to Vacate until the developer has dedicated, and the COUNTY has accepted, said public access easements (hereinafter "Public Access Easements"); and

WHEREAS, the General Services Department shall record the Public Access Easements concurrently with the final Order to Vacate the Portion; and

WHEREAS, it has been determined by COUNTY'S Public Works Department 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; and

WHEREAS, it has been determined by the COUNTY'S Public Works Department 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 due to the redevelopment of the Portion and incorporation into the Project; and

WHEREAS, no parcels will be landlocked if the vacation of the Portion is consummated; and

WHEREAS, in accordance with Section 8340(c) of the California Streets and Highways Code, the COUNTY is required to reserve and except from the vacation of the Portion an easement and right necessary to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use; and

WHEREAS, the Montecito Water District has in-place and in-use public utilities in the Portion, an easement for which shall be reserved and excepted from the vacation of the Portion.

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.
2. That, pursuant to Section 8320 of the Streets and Highways Code of the State of California, it hereby declares its intention to vacate the Portion.
3. That a map and legal description of the Portion to be vacated are attached hereto and incorporated herein by reference as Exhibits "A" and "B".
4. **That the 8th day of December, 2015, at 9:00 a.m.**, or shortly thereafter, in the meeting room of the COUNTY'S Board of Supervisors, 105 East Anapamu St., 4th Floor, Santa Barbara, California, is hereby fixed as the time and place for the hearing of the Resolution of an Order to Vacate, at which time and place any party may appear and be heard relative to said proposed vacation of the Portion.
5. That notice of said hearing be given to all freeholders in the unincorporated area of the COUNTY by publication of the COUNTY'S Board of Supervisors' intention to vacate the Portion in the *Santa Barbara News-Press*, a newspaper of general circulation published in the COUNTY, for at least two (2) successive weeks prior to said time fixed for said hearing in accordance with the provisions set forth in Section 8322(a) of the Streets and Highways Code.
6. That similar notice be posted conspicuously along the lines of the Portion in accordance with the provisions set forth in Section 8323 of the Streets and Highways Code.
7. That the vacation of the Portion is contingent upon, and shall not be final, until the Project developer has dedicated, and the COUNTY has accepted and recorded, said Public Access Easements.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

JANET WOLF, CHAIR
BOARD OF SUPERVISORS

By: _____
Deputy

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 

Steven Baugh, Esq.,
Deputy County Counsel

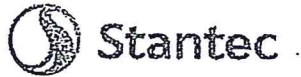


EXHIBIT "A"
LEGAL DESCRIPTION
ROAD VACATION OF A PORTION OF MIRAMAR AVENUE

Being those portions of the 40 foot wide street easement in the County of Santa Barbara, State of California, as shown on the map of Ocean Side Subdivision recorded in Book 1, Page 29 of Maps and Surveys, in the office of the County Recorder of said County, said portions lying within Parcels One, Two and Three as described in the Grant Deed to Miramar Acquisition Co., LLC, a California limited liability company recorded April 5, 2012 as Instrument No. 2012-0022150 of Official Records of said County, more particularly described as follows:

Miramar Avenue (formerly known as Ocean View Avenue), 40 feet wide as shown on said Ocean Side Subdivision and labeled "Street" and being bounded as follows:

On the north by the southerly line of South Jameson Lane, said line also being the southerly line of that certain relinquishment of State Highway recorded September 18, 1960 in Book 1778, Page 126 of Official Records of said County and;

On the south by the northerly line of Miramar Avenue, 40 feet wide, as same is also shown on said Ocean Side Subdivision map and labeled "Street", said northerly line also being the prolongation and intersection of the south lines of Lots 8 and 24 as same are shown on said Ocean Side Subdivision map

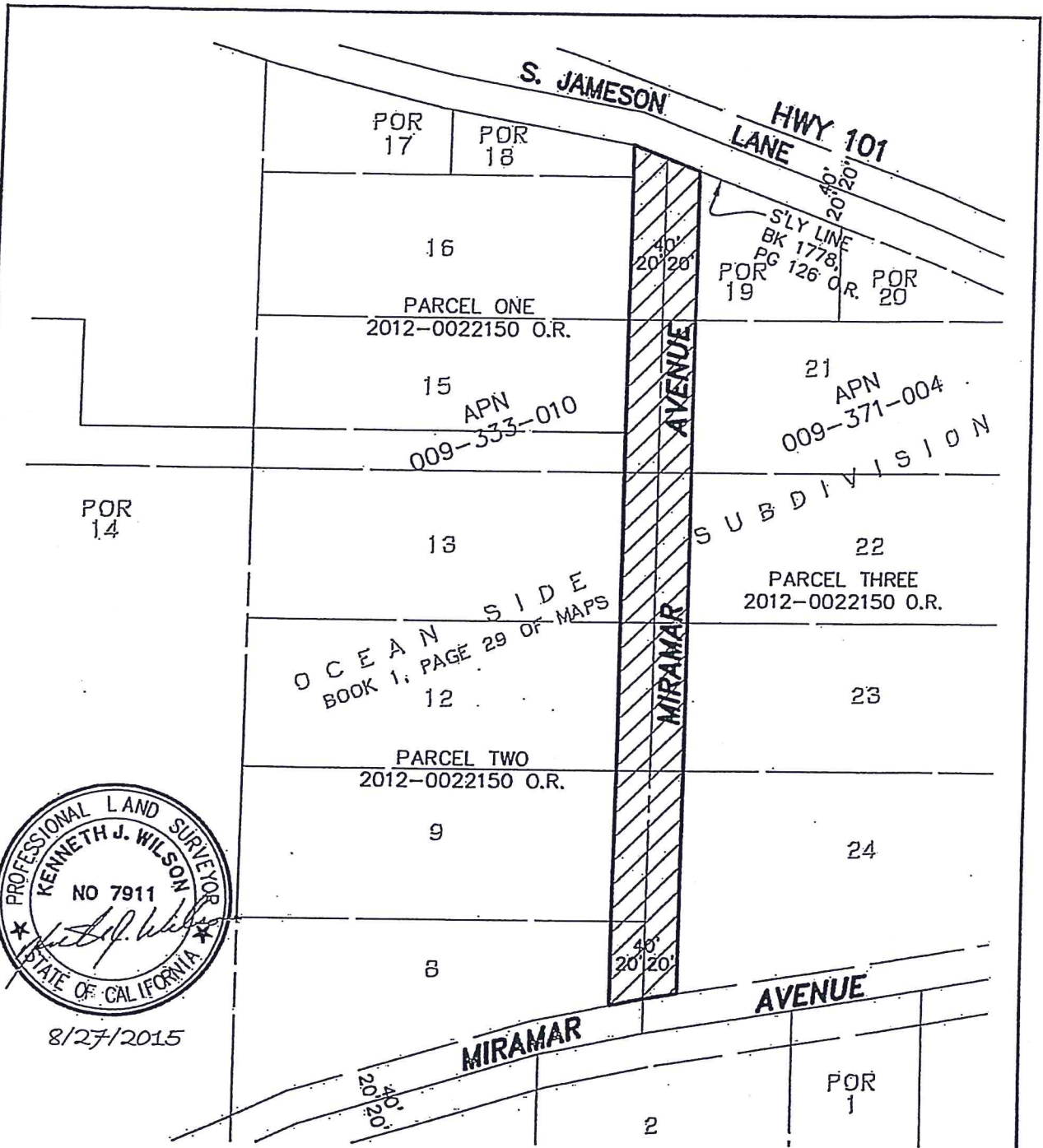
Containing 19,962 square feet or 0.458 acres, more or less.

Road Vacation of a portion of Miramar Avenue herein described is shown on the accompanying Exhibit B and made a part hereof for reference.

END OF DESCRIPTION.



8/27/2015



8/27/2015



111 East Victoria Street, Santa Barbara, CA 93101
 Phone: (805) 963-9532 Fax: (805) 966-9801
 2064013079 DWG: MiramarAveVacation.dwg



SCALE: 1" = 80'

EXHIBIT B
 ROAD VACATION OF
 A PORTION OF MIRAMAR AVENUE
 COUNTY OF SANTA BARBARA
 STATE OF CALIFORNIA

PLOT DATE: 8/26/2015