

COPY

NOT FOR RECORDING

TEMPORARY ASSIGNMENT OF PERMANENT AND TEMPORARY CONSTRUCTION  
EASEMENT RIGHTS

APN(S): 033-102-017 and 033-102-002

SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special district (COUNTY), does hereby assign to THE CITY OF SANTA BARBARA, a municipal corporation (CITY), the non-exclusive temporary use of its easements in the City of Santa Barbara, County of Santa Barbara, State of California, which are particularly described on Exhibit A, and generally shown on Exhibit B, as attached hereto and incorporated by reference, for the construction, use, operation, repair and replacement of the Mason Street Bridge Replacement Project and a portion of the COUNTY's Lower Mission Creek Project Reach 1A, that includes all necessary appurtenant facilities, channel wall conformations, connections, topographic, and creek modifications, and any other work as necessary to the 1A Project as specified, and for reasonable ingress and egress at all times.

Said easements use shall be as specified by, and in agreement with COUNTY. This temporary assignment of easement rights shall commence on October 15, 2013, and shall automatically terminate on October 15, 2015, or other date as determined by COUNTY.

COUNTY owns said Mission Creek Easements as identified on attached Exhibit A, and as generally shown on Exhibit B within the portion of Mission Creek located downstream and adjacent to the Mason Street Bridge Project. Said easement rights were dedicated to County through CITY conditions of approval for the development of the adjacent property. It was the intent of both parties, that the County would assign its rights under the Mission Creek Easements to CITY, as provided for in the deeds, for the mutual benefits of conducting necessary bridge and channel work within the Lower Mission Creek project area.

These Projects are a part of the COUNTY/CITY joint Lower Mission Creek Project as described in the Environmental Impact Report and Study done in 2000. In support of the joint efforts to complete the Projects, the City agrees that it will assume responsibility for CITY imposed conditions on that portion of COUNTY's Lower Mission Creek Reach 1A and 1B Projects directly related to the City's Mason Street Bridge Replacement Project.

CITY agrees to defend, indemnify and hold COUNTY, its officers, agents and employees harmless from any claims, damages costs, expenses (including reasonable attorney's fees), judgments or liabilities arising out of or resulting from CITY'S temporary use of the easement rights being assigned as described above to the fullest extent allowable by law.

COUNTY: SANTA BARBARA COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

By: \_\_\_\_\_  
Scott D. McGolpin, Public Works Director

\_\_\_\_\_  
Date

CITY: CITY OF SANTA BARBARA

BY: \_\_\_\_\_

\_\_\_\_\_  
Date

CONSENT TO ASSIGNMENT:

BEACH MOTEL PARTNERS, A CALIFORNIA GENERAL  
PARTNERSHIP

By: \_\_\_\_\_  
Antonio R. Romasanta, General Partner

\_\_\_\_\_  
Date

EXHIBIT "A"



County Project: Lower Mission Creek Improvement  
County Project #: SC8042  
APNs: 033-102-017  
Real Prop. Folio: R-328  
County Agent: JJH

**TEMPORARY CONSTRUCTION EASEMENT**  
**(NOT FOR RECORDATION)**

Antonio R. Romasanta as Trustee of the Romasanta Family Living Trust U/T/A/ dated December 3, 2003 as owner of all that real property in the City of Santa Barbara, of the County of Santa Barbara, State of California, more particularly described as Santa Barbara County Assessor's Parcel Number 033-102-017 (22 West Cabrillo Blvd., herein the "Property"), and referred to as GRANTOR herein,

DOES HEREBY GRANT TO

The SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a dependent special district, its successors or assigns, as COUNTY herein, a temporary construction easement and right of way to enter upon to move workers, equipment and materials in, on, over, along, under and across that certain land situated in the County of Santa Barbara, State of California, more particularly described on Exhibit "A" and shown on Exhibit "B" (herein the "Portion"), which are attached hereto and made a part hereof, to facilitate the construction the Lower Mission Creek Improvement Project (herein the "Project").

1. GRANTOR is aware of his right to receive compensation for this Temporary Construction Easement (herein the "TCE") but has agreed to dedicate this TCE to the COUNTY without charge. COUNTY shall compensate GRANTOR via the installation of the Project improvements on the Property by COUNTY at COUNTY'S cost, and by making every effort to assure that the hours of operation on the Portion are limited to Monday through Friday between the hours of 9:00 A.M and 6:00 P.M. No stockpiling or storage of equipment or materials will be allowed on the Property or Portion.
2. It is contemplated that this temporary construction easement shall be for a period of twelve (12) months and will commence on the date stated in COUNTY'S written notice to GRANTOR of the start of construction, which notice shall be provided to GRANTOR at least thirty (30) days in advance of said construction. In the event that construction is not completed within said twelve (12) month period, the term of this temporary construction easement shall be extended for three month period(s) as necessary to facilitate completion of the Project improvements. COUNTY shall provide GRANTOR with fifteen (15) day written and advance notice in the event the COUNTY needs to extend the term of this temporary construction easement. This temporary construction easement shall terminate not more than twenty four (24) months after commencement.




4. The COUNTY, its authorized agents, employees and contractors shall exercise reasonable precautions necessary to prevent damage to and protect the Property during COUNTY'S entry thereon.
5. COUNTY, its authorized agents, employees and contractors shall replace and/or repair any improvements, destroyed or damaged, as a result of the rights granted under this TCE. If any improvements are damaged or removed by COUNTY, its authorized agents, employees and contractors, they shall be restored or replaced by COUNTY to as near the original condition and location as is practicable.
6. By COUNTY'S exercise of this TCE, GRANTOR assumes no liability for loss or damage to COUNTY'S property, or injury to or death of any agent, employee, or contractor of COUNTY.
7. COUNTY agrees to defend, indemnify and hold GRANTOR harmless from any claims or damages resulting from COUNTY'S use of the Portion.
8. GRANTOR shall defend, indemnify, save, and hold harmless COUNTY, its agents, employees, officers, successors, and assigns from any and all claims, liabilities, demands, costs (including reasonable attorney fees), and causes of action of all kinds with regard to the condition of the easement property which is the subject of this deed, including, hazardous and/or toxic materials, if any.

In the event the indemnity hereunder exceeds that permitted by applicable law, such indemnity shall be construed as the maximum permitted by law. This indemnity shall not apply to any contamination which may occur on the TCE area or GRANTOR'S Property resulting from the operations of COUNTY subsequent to the commencement date of this TCE.

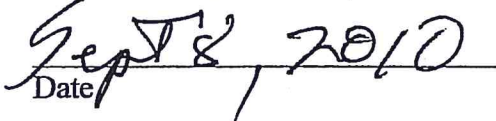
9. GRANTOR represents and warrants he is authorized to sign on behalf of the owner of the Property described herein and that no additional signatures are required to carry out the duties contemplated herein.

County Project: Lower Mission Creek Improvement  
County Project #: SC8042  
APNs: 033-102-017  
Real Prop. Folio: R-328  
County Agent: JJH

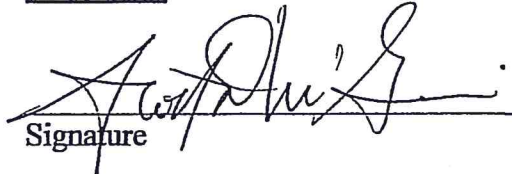
GRANTOR:

  
Signature

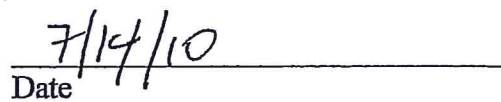
Antonio R. Romasanta,  
Trustee of the Romasanta Family Living  
Trust U/T/A/ dated December 3, 2003  
800 Garden Street #K  
Santa Barbara, CA 93101  
City, State, Zip

  
Date

COUNTY:

  
Signature

Scott D. McGolpin  
Public Works Director  
123 East Anapamu Street  
Santa Barbara, CA 93101  
City, State, Zip

  
Date

## LEGAL DESCRIPTION

That portion of BLOCK 323 according to the Official Map of the City of Santa Barbara, in the City of Santa Barbara, County of Santa Barbara, State of California, and shown on map recorded in Book 172, Page 10 of Records of Survey in the Office of the County Recorder of said County, being also a portion of the Merged Parcel as described in the Certificate of Voluntary Merger recorded January 10, 2005 as Instrument No. 2005-0002562 of Official Records in the Office of the County Recorder of said County described as follows:

COMMENCING at the most westerly corner of LOT A as shown on FINAL MAP NO. 20,683 recorded in Book 201, Page 35 of Maps in the Office of said County Recorder;

Thence, S 42°25'49"W 50.00 feet along the northwest line of said BLOCK 323 to the most westerly corner of a Lot shown as 1312-580 O.R. on map recorded in Book 110, Page 37 of Records of Survey, also being the most northerly corner of Parcel One in GRANT DEED recorded October 12, 1999 as Instrument Number 1999-0082720 of Official Record in the Office of said County Recorder;

Thence, S 48°01'07"E 171.70 feet along the northeasterly line of Parcel One and Parcel Two in said GRANT DEED to the easterly corner of said Parcel Two, being also a point on the northwesterly line of said Merged Parcel;

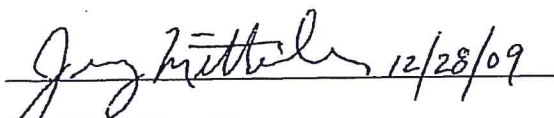
Thence, S 42°25'43"W 38.84 feet along the northwesterly line of said Merged Parcel to the TRUE POINT OF BEGINNING, said point being also the beginning of a non-tangent curve concave to the north having a radius of 341.50 feet, and to which a radial line bears S 19°01'31"W;

- 1) Thence, leaving said northwesterly line, easterly 85.46 feet along said curve through a central angle of 14°20'15";
- 2) Thence, N 44°31'40"E 39.13 feet to the southerly line of the EASEMENT described in the Easement Deed to the Santa Barbara County Flood Control and Water Conservation District recorded December 15, 2004 as Instrument No. 2004-0132183 of Official Records in the Office of the County Recorder of said County, also being the beginning of a non-tangent curve concave to the north having a radius of 285.00 feet, to which a radial line bears S 00°05'38"W;
- 3) Thence, westerly 81.41 feet along said curve and southerly line of said EASEMENT through a central angle of 16°21'57";
- 4) Thence, continuing along the southerly line of said EASEMENT, N 73°32'25"W 8.54 feet to the northwesterly line of said Merged Parcel;
- 5) Thence, S 42°25'43"W 33.17 feet along said northwesterly line to the TRUE POINT OF BEGINNING.

End of Description

Containing 2,590 square feet / 0.06 acres, more or less.

This Legal Description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

  
Gerald T. Mittermiller  
PLS 8125  
Expiration Date 12/31/2010



S 684  
Portion of APN 033-102-017  
Temporary Construction Easement



MASON STREET

LOT A

APN: 033-102-003

APPROXIMATE EASEMENT AREA = 2590 sq.ft.

BLOCK 323

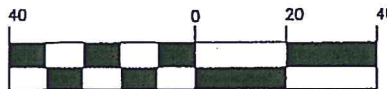
True Point of Beginning

APN: 033-102-002

APN: 033-102-017



GRAPHIC SCALE



( IN FEET )

1 inch = 40 ft.

COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE

TEMPORARY CONSTRUCTION EASEMENT  
SANTA BARBARA COUNTY FLOOD CONTROL  
DISTRICT

PORTION OF APN: 033-102-017

CITY OF SANTA BARBARA

SANTA BARBARA COUNTY, CALIFORNIA

DECEMBER 2009

S684

THIS MAP WAS PREPARED BY ME, OR  
UNDER MY DIRECTION, IN  
CONFORMANCE WITH PROFESSIONAL  
LAND SURVEYORS ACT.

*Gerald T. Mittermiller* 12/30/09  
GERALD T. MITTERMILLER DATE

Recording requested by  
and to be returned to:  
Public Works  
Surveyors Division  
Will Call



2011-0029044

Recorded  
Official Records  
County of  
Santa Barbara  
Joseph E. Holland

REC FEE

0.00

09:10AM 17-May-2011 JH Page 1 of 5

**COUNTY OF SANTA BARBARA**  
**OFFICIAL BUSINESS**

Document entitled to free recordation  
Pursuant to Government Code Section 6103

5

*This Deed not Valid Until Recorded*  
SPACE ABOVE THIS LINE FOR RECORDER'S USE

**NONEXCLUSIVE EASEMENT DEED**

Antonio R. Romasanta, as the sole general partner of Beach Motel Partners, a California general partnership as owner of all that real property in the City of Santa Barbara, County of Santa Barbara, State of California, more particularly described as Santa Barbara County Assessor's Parcel Number 033-102-002 (28 West Cabrillo Blvd., herein the "Property"), and referred to as GRANTOR herein,

DOES HEREBY GRANT TO

The SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a dependent special district, its successors or assigns, as GRANTEE herein, a permanent easement and right of way for the excavation, removal, demolition, and alteration of facilities, vegetation and topography, and for the construction, reconstruction, replacement, repair, use and maintenance of various improvements, as required in connection with the proposed Lower Mission Creek Improvement Project (the "Project"), and subsequently for water flowage, flood control and all related purposes. The permanent easement area and right of way dedicated hereby is more particularly described in Exhibit A (legal description) and shown on Exhibit B (diagram) attached hereto and incorporated herein by this reference.

GRANTOR is aware of his right to receive compensation for granting this Easement but has agreed to dedicate said easement to the COUNTY without charge. COUNTY shall compensate GRANTOR via the installation of the Project improvements on the Property by COUNTY at COUNTY'S cost. GRANTOR and his successors in interest retain the right to use the easement area except that within the easement area, no permanent structures, buildings, and/or any accessory parts can be erected or other use made by GRANTOR which would interfere with GRANTEE'S use of the easement. GRANTOR and his successors in interest shall obtain written approval from GRANTEE prior to implementing any work within the easement area.

GRANTOR represents and warrants he is the owner of the Property described herein and that no additional signatures are required to carry out the duties contemplated herein.

"GRANTOR"

Beach Motel Partners, a California general partnership



By: Antonio R. Romasanta

General Partner; Beach Motel Partners

**GRANTOR'S ACKNOWLEDGEMENT**

State of California

County of Santa Barbara

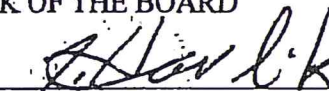
On 9-8-2010 before me, J. Jeffery Havlik, a Deputy Clerk, personally appeared  
(Name of Clerk)

Antonio R. Romasanta, who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.

MICHAEL F. BROWN  
CLERK OF THE BOARD

By:

  
Deputy Clerk Jeff Havlik  
(Seal)

California Civil Code section 1189



CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS. § 27281

THIS IS TO CERTIFY that the interest in real property conveyed by the NONEXCLUSIVE EASEMENT DEED dated as of September 8, 2010, from Antonio R. Romasanta, on behalf of Beach Motel Partners to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special dependent district, is hereby accepted by Order of the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District on 8/10/11, and the Santa Barbara County Flood Control and Water Conservation District as GRANTEE consents to recordation thereof by its duly authorized officer.

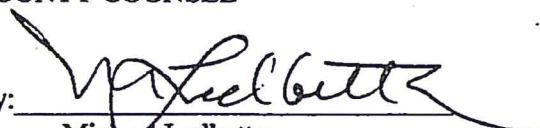
WITNESS my hand and official seal

this 13<sup>th</sup> day of May, 2011.

CHANDRA L. WALLAR,  
CLERK OF THE BOARD and  
Ex Officio Clerk of the Board of  
Directors of the Santa Barbara  
County Flood Control and Water  
Conservation District

By:   
Deputy

APPROVED AS TO FORM:  
DENNIS A. MARSHALL  
COUNTY COUNSEL

By:   
Michael Ledbetter  
Deputy County Counsel

APN: 033-102-018

LOT A

APPROXIMATE EASEMENT AREA = 5277 sq.ft.

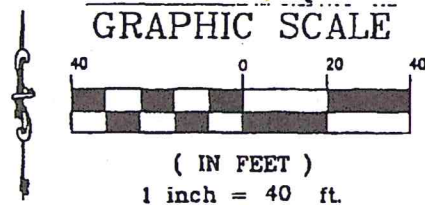
True Point of Beginning

MASON STREET

APN: 033-102-003

BLOCK 323

APN: 033-102-002



THIS MAP WAS PREPARED BY ME, OR  
UNDER MY DIRECTION, IN  
CONFORMANCE WITH PROFESSIONAL  
LAND SURVEYORS ACT.

*Gerald T. Mittermiller* 12/30/09  
GERALD T. MITTERMILLER DATE

COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE

PERMANENT EASEMENT  
SANTA BARBARA COUNTY FLOOD CONTROL  
DISTRICT

PORTION OF APN: 033-102-002  
CITY OF SANTA BARBARA  
SANTA BARBARA COUNTY, CALIFORNIA  
DECEMBER 2009

EXHIBIT B



2004-0132180

Recording Requested by  
and to be returned to:  
Public Works *Check of the Board*  
Real Property *copies*  
Will Call

Recorded  
Official Records  
County Of  
SANTA BARBARA  
JOSEPH E. HOLLAND  
Recorder

REC FEE .00

11:29AM 15-Dec-2004

tap  
Page 1 of 12

COUNTY OF SANTA BARBARA  
OFFICIAL BUSINESS

NO FEE PER GOV. CODE §103

12

Free Rec

No fee pursuant to  
Government Code Sec. 6103

Space above this line for Recorder's Use

APN: 033-102-15 (PORTION).

APN: 033-102-16 (PORTION)

EASEMENT DEED

ANTONIO R. ROMASANTA, AS TRUSTEE OF THE ROMASANTA  
FAMILY LIVING TRUST U/T/A December 3, 2003, GRANTOR, enters  
into this EASEMENT DEED with regard to the following facts:

RECITALS

A. GRANTOR is the owner of all that real property in  
the City of Santa Barbara, County of Santa Barbara, State  
of California, commonly known as 28 West Cabrillo Boulevard  
(APN 033-102-02), which is described in the attached  
EXHIBIT A; as well as 22 West Cabrillo Boulevard, 1 State  
Street and 17 State Street (APN 033-102-16), and 29 State  
Street (033-102-15), which parcels have been merged and are  
described in the attached EXHIBIT B. The properties  
described in EXHIBITS A and B are herein referred to  
collectively as the "Real Property."

B. The U. S. Army Corps of Engineers, Los Angeles  
District, has been authorized by Section 209 of the Flood  
Control Act of 1962 (Public Law 87-874, 87<sup>th</sup> Congress,  
Second Session) to perform feasibility studies for flood  
control in the City of Santa Barbara, California. The  
feasibility studies made in cooperation with the Santa  
Barbara County Flood Control and Water Conservation  
District ("FCD") and the City of Santa Barbara ("City")  
have produced a Feasibility Report dated September 2000.



C. That Feasibility Report identifies as a preferred alternative for flood control purposes Alternative No. 12. A copy of the proposed flood control project between Mason Street and State Street in the City of Santa Barbara is depicted in EXHIBITS C-1 and C-2 attached hereto, entitled Mission Creek Alignment Exhibit, as prepared by Flowers & Associates, Inc., dated September 9, 2004, and September 10, 2004, respectively. A 60-foot width is proposed for the flood control channel between Mason Street and State Street under Alternative No. 12. The City and FCD have requested a narrower channel width of 50 feet if feasible, which the Corps of Engineers is currently considering.

D. In anticipation of the construction of the proposed Mission Creek Flood Control Project, GRANTOR has agreed to grant easements for said flood control project, thereby deriving the benefit of flood control protection for the adjacent property owned by GRANTOR.

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E. It is hereby acknowledged that Alternative No. 12 is a preliminary design.

F. By separate document, GRANTOR has made an irrevocable offer of an easement for the proposed Mission Creek Flood Control Project, contemplating Alternative No. 12 as the preliminary design.

NOW, THEREFORE, FOR A VALUABLE CONSIDERATION, GRANTOR does hereby irrevocably offer to the UNITED STATES ARMY CORPS OF ENGINEERS, the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special district, its successors or assigns, the COUNTY OF SANTA BARBARA, and the CITY OF SANTA BARBARA, collectively as GRANTEE herein, for acceptance by FCD at any time, at its sole discretion, the following described temporary easement located on portions of GRANTOR'S Real Property described in EXHIBIT B attached hereto:

1. A right of entry and agreement for a temporary easement, twenty feet (20') wide as set forth in EXHIBIT D attached hereto, adjacent to and Northeasterly of the flood control easement described in Recital F, which has been recorded on the same date concurrent with this easement. This temporary easement is intended for the exclusive, joint and cooperative use by the United States Army Corps of Engineers, the FCD, the County of Santa Barbara, and the City of Santa Barbara, and for all their respective

employees, consultants, contractors and assignees, as appropriate, for all activities necessary related to the survey, inspection, excavation, removal, relocation, demolition, remediation, alteration, construction, repair and replacement of existing topography and improvements, as required in connection with the proposed Mission Creek project, which temporary easement shall begin upon actual commencement of construction activities on the proposed Mission Creek project, and continue until the completion of said project, which is anticipated for a construction period of approximately twenty-four (24) months, but said temporary construction easement shall finally expire on January 1, 2020.

2. The GRANTOR and its successors in interest retain the right to use the easement area except that within the easement area, no permanent structures, buildings, and/or any accessory parts can be erected or other use made by GRANTOR which would interfere with GRANTEE'S use of the easement.

3. GRANTOR represents and warrants that he is the owner of the Real Property described herein or is authorized by the owner of the Real Property to execute this Easement Deed and that no additional signatures are required to carry out the duties contemplated herein.

Executed this 26 day of Oct, 2004,  
at Santa Barbara, California.

GRANTOR:

THE ROMASANTA FAMILY LIVING TRUST  
U/T/A DECEMBER 3, 2004

By

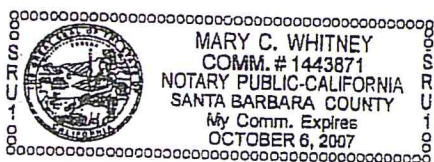
  
Antonio R. Romasanta, Trustee

C.C. 1189

On October 28, 2004, before me, Mary C. Whitney

WITNESS my hand and official seal  
on this 28 day of October, 2004.

(Seal)





CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS.

THIS IS TO CERTIFY that the interest in real property conveyed by the Easement Deed dated 10/28/04, 2004, from ANTONIO R. ROMASANTA, AS TRUSTEE OF 'THE ROMASANTA FAMILY LIVING TRUST U/T/A DATED DECEMBER 3, 2003, to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special district, is hereby accepted by Order of the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District on 12/7/04, and the Santa Barbara County Flood Control and Water Conservation District as GRANTEE consents to recordation thereof by its duly authorized officer.

---

WITNESS my hand and official seal

MICHAEL F. BROWN,  
CLERK OF THE BOARD and  
Ex Officio Clerk of the Board  
of Directors of the Santa  
Barbara County Flood Control  
And Water Conservation District

By:

Chris Conroy  
Deputy

LEGAL DESCRIPTION  
APN 033-102-02

All that certain land situated in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Those portions of Block 323 in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

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PARCEL ONE:

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Beginning at the South corner of said block, as now constituted and laid out, at the intersection of the Northeasterly line of Chapala Street and the Northwesterly line of the Boulevard; thence along said Northeasterly line of Chapala Street in a Northwesterly direction 390.3 feet, more or less, to the Southeasterly line of Mason Street; thence at right angles Northeasterly and along said Southeasterly line of Mason Street 225 feet; thence at right angles into said Block 149.1 feet, more or less, to a fence; thence at right angles Southwesterly and along said fence and a projection of the line thereof 53 feet; thence at right angles Southeasterly 247.9 feet to the Northwesterly line of the Boulevard; thence in a Southwesterly direction and along said Northwesterly line of the Boulevard 172 feet, more or less, to the place of beginning.

EXCEPTING THEREFROM that portion thereof described as follows:

Beginning at the most Westerly corner of said block, at the intersection of Mason and Chapala Streets and running thence Northeasterly along Mason Street 100 feet to a point; thence Southeasterly at right angles into said block 100 feet to a point; thence Southwesterly at right angles 100 feet to Chapala Street; thence Northwesterly along Chapala Street 100 feet to the point of beginning.

Exhibit A



EXHIBIT "B"

**DESCRIPTION: MERGED PARCEL**

THAT PORTION OF BLOCK 323 IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL MAP THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF STATE STREET, FROM WHICH THE MOST NORTHERLY CORNER OF SAID BLOCK 323 BEARS NORTH 48°30'00" WEST 118.76 FEET, SAID POINT OF BEGINNING ALSO BEING THE MOST NORTHERLY CORNER OF PARCEL 1 AS STATED IN THE TRANSFER DEED TO ANTONIO R. ROMASANTA, TRUSTEE OF THE ROMASANTA FAMILY LIVING TRUST U/T/A DATED DECEMBER 3, 2003 AND RECORDED JUNE 8, 2004 AS INSTRUMENT No. 2004-006115 OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE SOUTH 48°30'00" EAST, ALONG SAID SOUTHWESTERLY LINE OF STATE STREET 278.65 FEET TO THE MOST EASTERLY CORNER OF SAID BLOCK 323, SAID CORNER BEING THE INTERSECTION OF THE NORTHWESTERLY LINE OF CABRILLO BOULEVARD (as now established) WITH THE SOUTHWESTERLY LINE OF STATE STREET;

THENCE SOUTH 41°28'08" WEST, ALONG SAID NORTHWESTERLY LINE OF CABRILLO BOULEVARD, 278.10 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 2 OF SAID ROMASANTA TRANSFER DEED;

THENCE AT RIGHT ANGLES, NORTH 48°31'52" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 2, 225.63 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL 2 AND A POINT 171.90 FEET SOUTHWESTERLY FROM THE SOUTHEASTERLY LINE OF MASON STREET;

THENCE NORTH 41°29'45" EAST, PARALLEL WITH SAID SOUTHEASTERLY LINE OF MASON STREET, 103.22 FEET TO THE MOST SOUTHERLY OF THE ABOVE SAID PARCEL 1;

THENCE NORTH 48°30'00" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1, 53.16 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL 1;

THENCE AT RIGHT ANGLES, NORTH 41°30'00" EAST, ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 1, 175.00 FEET TO THE POINT OF BEGINNING.

-End of Description-

Calculated area 72,040 sq.ft/1.65 acres

Page 1 of 2 Pages

EXHIBIT B



The bearings and distances used in this description were based on the Record of Surveys filed in Book 110RS37 and 172RS10 in the office of the Santa Barbara County Recorder. RS172/10 was rotated to fit City Block 323 bearing on State Street as shown on RS110/37 (N 48°30'00" W).

A diagram of this Merged Parcel and the City Block 323 is shown on the attached Exhibit "B".

This Merged Parcel description was prepared by me and under my direction in conformance with the Professional Land Surveyor's Act.

Prepared by

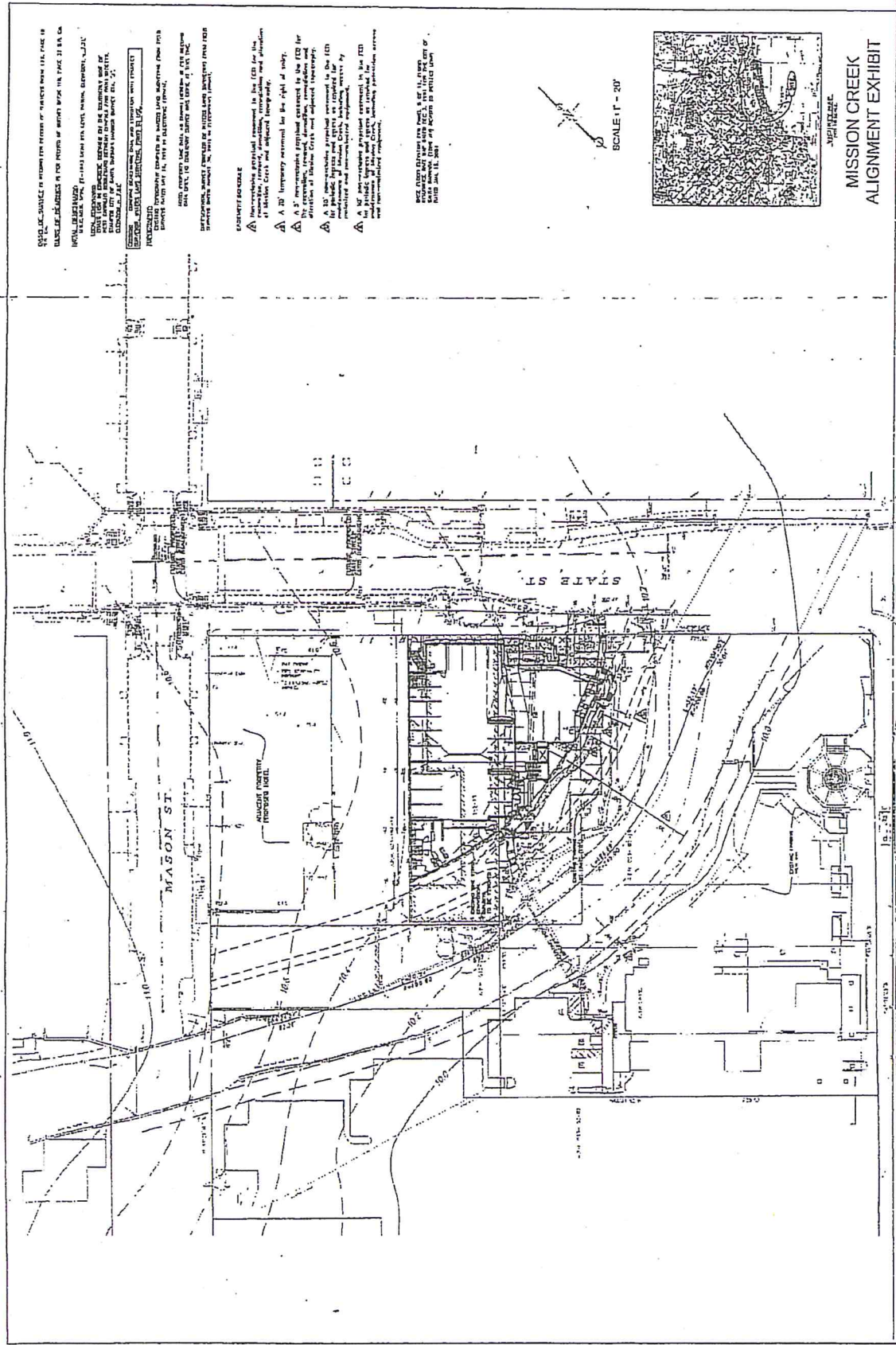
*Joseph E. Waters, PLS 3804*  
Joseph E. Waters, PLS 3804

Date:

*8/10/04*



The properties merged in this description are entitled to Antonio R. Romasanta, as Trustee of the Romasanta Family Living Trust U/T/A dated December 3, 2003 and are currently listed as APNs: 033-102-15 & 16 on the date of this description.



DESIGNED BY: [Faint text]  
 DRAWN BY: [Faint text]  
 CHECKED BY: [Faint text]  
 APPROVED BY: [Faint text]

THE PROPOSED ALIGNMENT OF MISSION CREEK IS SHOWN IN THE ATTACHED MAP. THE CREEK IS TO BE OPENED UP TO THE PUBLIC AND THE AREA AROUND IT IS TO BE DEVELOPED AS A PARK. THE CREEK IS TO BE OPENED UP TO THE PUBLIC AND THE AREA AROUND IT IS TO BE DEVELOPED AS A PARK.

THE PROPOSED ALIGNMENT OF MISSION CREEK IS SHOWN IN THE ATTACHED MAP. THE CREEK IS TO BE OPENED UP TO THE PUBLIC AND THE AREA AROUND IT IS TO BE DEVELOPED AS A PARK. THE CREEK IS TO BE OPENED UP TO THE PUBLIC AND THE AREA AROUND IT IS TO BE DEVELOPED AS A PARK.

THE PROPOSED ALIGNMENT OF MISSION CREEK IS SHOWN IN THE ATTACHED MAP. THE CREEK IS TO BE OPENED UP TO THE PUBLIC AND THE AREA AROUND IT IS TO BE DEVELOPED AS A PARK. THE CREEK IS TO BE OPENED UP TO THE PUBLIC AND THE AREA AROUND IT IS TO BE DEVELOPED AS A PARK.

SCALE 1" = 20'



# MISSION CREEK ALIGNMENT EXHIBIT

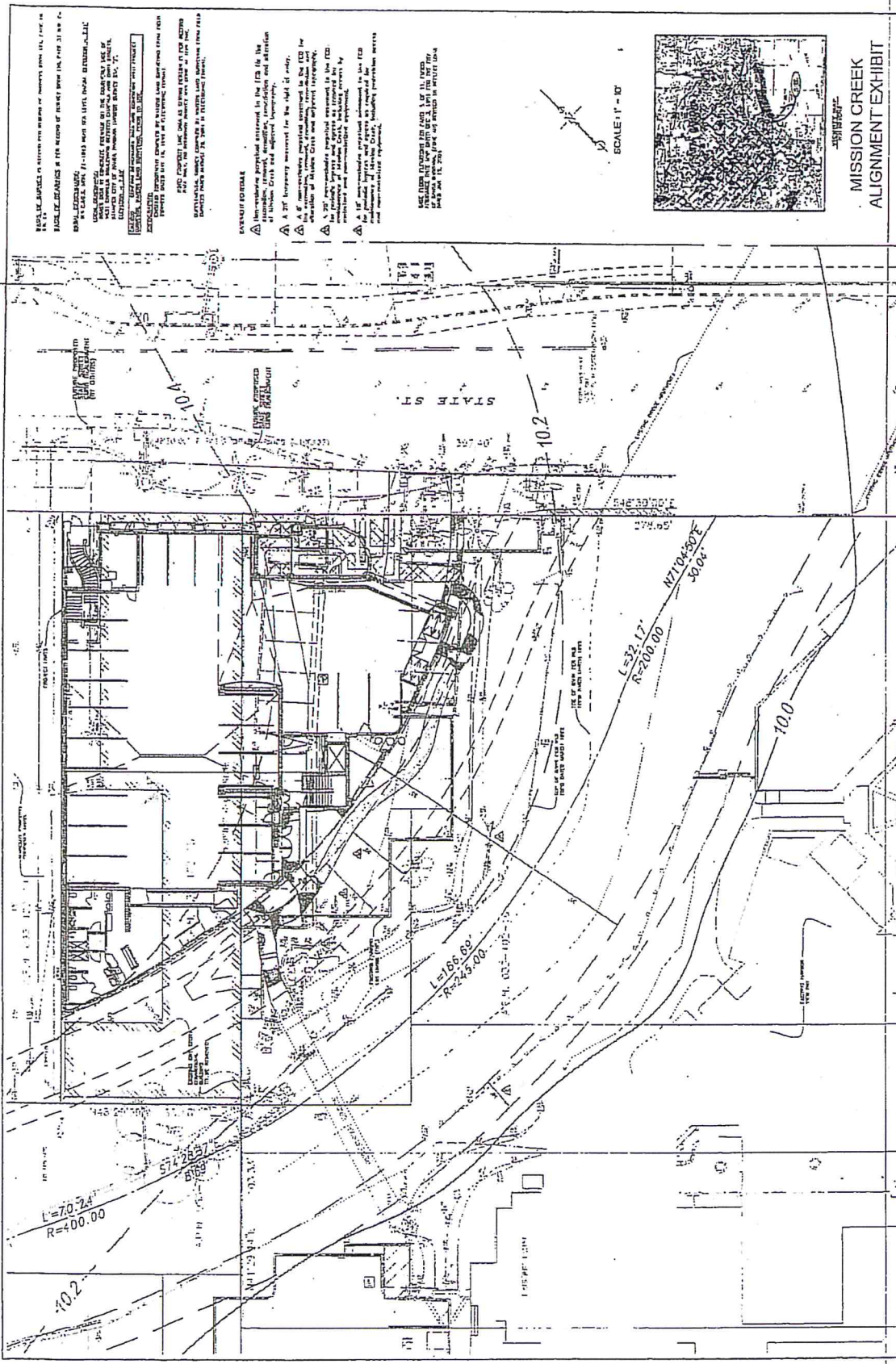
FLORIAN J. ASSOCIATES, INC.  
 1000 California Street, Suite 1000  
 San Francisco, California 94109  
 (415) 774-1000

THE HARBOR VIEW INN - STATE STREET ANNEX  
 PRELIMINARY CIVIL ENGINEERING  
 20 STATE STREET (NPH 22-102-01, 02 A 12)  
 CITY OF SAN FRANCISCO, CALIFORNIA

C-1  
 SHEET NO. 1 OF 1

CABRILLO BLVD.





<p>THE HARBOR VIEW INN - STATE STREET ANNEX          PRELIMINARY CIVIL SITE IMPROVEMENTS          28 STATE STREET (NPN 33-102.JN, 06 &amp; 12)</p>		<p>C-2          SHEET 2 OF 2</p>
<p>FLORIAN &amp; ASSOCIATES, INC.          CIVIL ENGINEER          1000 N. 10TH ST., SUITE 100          DENVER, CO 80202</p>		<p>DATE: 10/10/00          DRAWN BY: JLD          CHECKED BY: JLD</p>

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE ENGINEER TO OBTAIN ALL NECESSARY PERMITS AND TO VERIFY THE ACCURACY OF ALL DATA. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN. THE ENGINEER'S OFFICE IS NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.

SCALE: 1" = 30'

MISSION CREEK ALIGNMENT EXHIBIT



**EXHIBIT "B"**

**DESCRIPTION:** 20' Temporary Easement for right of entry.

AN EASEMENT 20 FOOT IN WIDTH OVER THAT PORTION THE REAL PROPERTY DESCRIBED IN THE VOLUNTARY MERGER TO BEACH MOTEL PARTNERS, AND RECORDED OCTOBER \_\_\_\_, 2004 AS INSTRUMENT No. 2004-00 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, BEING A PORTION OF BLOCK 323 IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, SAID EASEMENT IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF STATE STREET, FROM WHICH THE MOST NORTHERLY CORNER OF SAID MERGED PROPERTY BEARS NORTH 48°30'00" WEST 159.39 FEET;

THENCE SOUTH 71°04'50" WEST, 13.01 FEET, INTO SAID MERGED PARCEL, TO THE BEGINNIG OF A CURVE TO THE LEFT WHOSE RADIAL CENTER BEARS SOUTH 18° 55'10" EAST 230.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A DELTA OF 9°12'58", A RADIUS OF 230.00 FEET, AND A LENGTH OF 37.00 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT WHOSE RADIAL CENTER BEARS NORTH 28° 08'08" WEST 215.00 FEET;

THENCE ALONG THE ARC OF SAID REVERSE CURVE TO THE RIGHT HAVING A DELTA OF 43°39'34", A RADIUS OF 215.00 FEET, AND A LENGTH OF 163.83 FEET; TO A POINT ON THE NORTHWESTERLY LINE OF SAID MERGED PROPERTY 171.90 FEET SOUTHWESTERLY FROM THE SOUTHEASTERLY LINE OF MASON STREET;

THENCE NORTH 74°28'37" WEST 8.59 FEET TO THE BEGINNIG OF A CURVE TO THE RIGHT WHOSE RADIAL CENTER BEARS NORTH 15° 31'26" EAST 370.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A DELTA OF 2°55'49", A RADIUS OF 370.00 FEET, AND A LENGTH OF 18.92 FEET TO INTERSECT THE SOUTHWESTERLY LINE OF SAID MERGED PROPERTY;

THENCE NORTH 48°30'00" WEST, ALONG SAID SOUTHWESTERLY LINE, 5.24 FEET TO THE MOST WESTERLY CORNER OF SAID MERGED PARCEL;

THENCE NORTH 41°30'00" EAST, ALONG THE MOST NORTHWESTERLY  
LINE OF SAID MERGED PARCEL 19.52 FEET, TO A POINT ON A  
CURVE CONCAVE NORTHERLY WHOSE RADIAL CENTER  
BEARS NORTH 17°59'33" EAST 350.00 FEET;  
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CONCAVE CURVE,  
HAVING A DELTA OF 2°28'07", A RADIUS OF 350.00 FEET, AND A  
LENGTH OF 15.08 FEET;  
THENCE SOUTH 74°28'37" EAST 8.59 FEET TO THE BEGINNING OF A  
CURVE TO THE LEFT WHOSE RADIAL CENTER BEARS NORTH  
15° 31'26" EAST 195.00 FEET;  
THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A DELTA OF  
43°39'34", A RADIUS OF 195.00 FEET, AND A LENGTH OF 148.59 FEET  
TO A POINT OF REVERSE CURVE TO THE RIGHT WHOSE RADIAL  
CENTER BEARS SOUTH 28° 08'08" EAST 250.00 FEET;  
THENCE ALONG THE ARC OF SAID REVERSE CURVE TO THE  
RIGHT HAVING A DELTA OF 9° 12'58", A RADIUS OF 250.00  
FEET, AND A LENGTH OF 40.21 FEET;  
THENCE NORTH 71°04'50" EAST, 1.66 FEET TO INTERSECT THE  
ABOVE SAID SOUTHWESTERLY LINE OF STATE STREET;  
THENCE SOUTH 48°30'00" EAST, ALONG SAID SOUTHWESTERLY LINE OF STATE  
STREET 23.00 FEET TO THE POINT OF BEGINNING.

-End of Description-

Calculated area 4,606 sq.ft/0.11 acres

Prepared by: Joseph E. Waters, PLS 3804

Date: 10/24/04

The bearings and distances used in this description were based on the Record of Surveys filed in Book 110RS37 and 172RS10 in the office of the Santa Barbara County Recorder. RS172/10 was rotated to fit City Block 323 bearing on State Street as shown on RS110/37 (N 48°30'00" W).

A diagram of this Easement is shown on the attached Exhibit Map.

Page 2 of 2 Pages

**EXHIBIT D**





2004-0132182

Recording Requested by  
and to be returned to:  
Public Works *CLERK of the BOARD*  
Real Property *Copied*  
Will Call

Recorded  
Official Records  
County Of  
SANTA BARBARA  
JOSEPH E. HOLLAND  
Recorder

REC FEE .00

11:29AM 15-Dec-2004

tap  
Page 1 of 12

COUNTY OF SANTA BARBARA  
OFFICIAL BUSINESS

NO FEE PER GOV. CODE 6103 <sup>12</sup>*Free rec*

No fee pursuant to  
Government Code Sec. 6103

Space above this line for Recorder's Use

APN: 033-102-02 (PORTION)

APN: 033-102-15 (PORTION)

APN: 033-102-16 (PORTION)

EASEMENT DEED

ANTONIO R. ROMASANTA, AS TRUSTEE OF THE ROMASANTA  
FAMILY LIVING TRUST U/T/A December 3, 2003, GRANTOR, enters  
into this EASEMENT DEED with regard to the following facts:

RECITALS

A. GRANTOR is the owner of all that real property in  
the City of Santa Barbara, County of Santa Barbara, State  
of California, commonly known as 28 West Cabrillo Boulevard  
(APN 033-102-02), which is described in the attached  
EXHIBIT A; as well as 22 West Cabrillo Boulevard, 1 State  
Street and 17 State Street (APN 033-102-16), and 29 State  
Street (033-102-15), which parcels have been merged and are  
described in the attached EXHIBIT B. The properties  
described in EXHIBITS A and B are herein referred to  
collectively as the "Real Property."

B. The U. S. Army Corps of Engineers, Los Angeles  
District, has been authorized by Section 209 of the Flood  
Control Act of 1962 (Public Law 87-874, 87<sup>th</sup> Congress,  
Second Session) to perform feasibility studies for flood  
control in the City of Santa Barbara, California. The  
feasibility studies made in cooperation with the Santa  
Barbara County Flood Control and Water Conservation  
District ("FCD") and the City of Santa Barbara ("City")  
have produced a Feasibility Report dated September 2000.



C. That Feasibility Report identifies as a preferred alternative for flood control purposes Alternative No. 12. A copy of the proposed flood control project between Mason Street and State Street in the City of Santa Barbara is depicted in EXHIBITS C-1 and C-2 attached hereto, entitled Mission Creek Alignment Exhibit, as prepared by Flowers & Associates, Inc., dated September 9, 2004, and September 10, 2004, respectively. A 60-foot width is proposed for the flood control channel between Mason Street and State Street under Alternative No. 12. The City and FCD have requested a narrower channel width of 50 feet if feasible, which the Corps of Engineers is currently considering.

D. In anticipation of the construction of the proposed Mission Creek Flood Control Project, GRANTOR has agreed to grant easements for said flood control project, thereby deriving the benefit of flood control protection for the adjacent property owned by GRANTOR.

E. It is hereby acknowledged that Alternative No. 12 is a preliminary design.

NOW, THEREFORE, FOR A VALUABLE CONSIDERATION, GRANTOR does hereby irrevocably offer to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special district, its successors or assigns, as GRANTEE herein, for acceptance by FCD at any time, at its sole discretion, the following described easement located on portions of GRANTOR'S Real Property described in EXHIBITS A and B attached hereto:

---

1. A non-exclusive perpetual easement 60' wide as set forth in EXHIBIT D attached hereto, for the excavation, removal, demolition, remediation and alteration of Mission Creek and adjacent topography, and for the construction, reconstruction, replacement, repair, use and maintenance of various improvements and landscaping as required in connection with the proposed Mission Creek project, and, subsequently, for water flowage, flood control and all related purposes for Mission Creek located on the real property, as existing or may be altered pursuant to the currently available preliminary design plans prepared for the proposed Mission Creek project.

2. The GRANTOR and its successors in interest retain the right to use the easement area except that within the easement area, no permanent structures, buildings, and/or

any accessory parts can be erected or other use made by GRANTOR which would interfere with GRANTEE'S use of the easement.

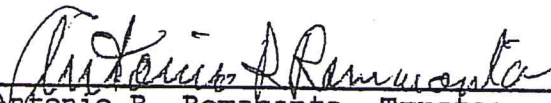
3. GRANTOR represents and warrants that he is the owner of the Real Property described herein or is authorized by the owner of the Real Property to execute this Easement Deed and that no additional signatures are required to carry out the duties contemplated herein.

Executed this 22 day of Oct, 2004,  
at Santa Barbara, California.

GRANTOR:

THE ROMASANTA FAMILY LIVING TRUST  
U/T/A DECEMBER 3, 2004

By

  
Antonio R. Romasanta, Trustee

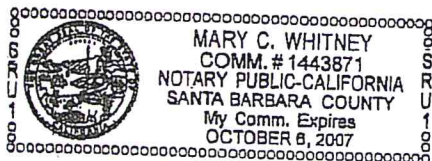
C.C. 1189

On October 28, 2004, before me, Mary C. Whitney

WITNESS my hand and official seal  
on this 28 day of October, 2004.

Mary C. Whitely  
Notary Public

(Seal)





CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS.

THIS IS TO CERTIFY that the interest in real property conveyed by the Easement Deed dated 10/28/04, 2004, from ANTONIO R. ROMASANTA, AS TRUSTEE OF THE ROMASANTA FAMILY LIVING TRUST U/T/A DATED DECEMBER 3, 2003, to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special district, is hereby accepted by Order of the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District on 12/17/04, and the Santa Barbara County Flood Control and Water Conservation District as GRANTEE consents to recordation thereof by its duly authorized officer.

WITNESS my hand and official seal

---

MICHAEL F. BROWN,  
CLERK OF THE BOARD and  
Ex Officio Clerk of the Board  
of Directors of the Santa  
Barbara County Flood Control  
And Water Conservation District

By:

Chris Cooney  
Deputy

LEGAL DESCRIPTION  
APN 033-102-02

All that certain land situated in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Those portions of Block 323 in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

PARCEL ONE:

Beginning at the South corner of said block, as now constituted and laid out, at the intersection of the Northeasterly line of Chapala Street and the Northwesternly line of the Boulevard; thence along said Northeasterly line of Chapala Street in a Northwesternly direction 390.3 feet, more or less, to the Southeasterly line of Mason Street; thence at right angles Northeasterly and along said Southeasterly line of Mason Street 225 feet; thence at right angles into said Block 149.1 feet, more or less, to a fence; thence at right angles Southwesterly and along said fence and a projection of the line thereof 53 feet; thence at right angles Southeasterly ~~247.9 feet to the Northwesternly~~ line of the Boulevard; thence in a Southwesterly direction and along said Northwesternly line of the Boulevard 172 feet, more or less, to the place of beginning.

EXCEPTING THEREFROM that portion thereof described as follows:

Beginning at the most Westerly corner of said block, at the intersection of Mason and Chapala Streets and running thence Northeasterly along Mason Street 100 feet to a point; thence Southeasterly at right angles into said block 100 feet to a point; thence Southwesterly at right angles 100 feet to Chapala Street; thence Northwesternly along Chapala Street 100 feet to the point of beginning.

Exhibit A

EXHIBIT "B"

DESCRIPTION: MERGED PARCEL

THAT PORTION OF BLOCK 323 IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL MAP THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF STATE STREET, FROM WHICH THE MOST NORTHERLY CORNER OF SAID BLOCK 323 BEARS NORTH 48°30'00" WEST 118.76 FEET, SAID POINT OF BEGINNING ALSO BEING THE MOST NORTHERLY CORNER OF PARCEL 1 AS STATED IN THE TRANSFER DEED TO ANTONIO R. ROMASANTA, TRUSTEE OF THE ROMASANTA FAMILY LIVING TRUST U/T/A DATED DECEMBER 3, 2003 AND RECORDED JUNE 8, 2004 AS INSTRUMENT No. 2004-006115 OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE SOUTH 48°30'00" EAST, ALONG SAID SOUTHWESTERLY LINE OF STATE STREET 278.65 FEET TO THE MOST EASTERLY CORNER OF SAID BLOCK 323, SAID CORNER BEING THE INTERSECTION OF THE NORTHWESTERLY LINE OF CABRILLO BOULEVARD (as now established) WITH THE SOUTHWESTERLY LINE OF STATE STREET;

THENCE SOUTH 41°28'08" WEST, ALONG SAID NORTHWESTERLY LINE OF CABRILLO BOULEVARD, 278.10 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 2 OF SAID ROMASANTA TRANSFER DEED;

THENCE AT RIGHT ANGLES, NORTH 48°31'52" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 2, 225.63 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL 2 AND A POINT 171.90 FEET SOUTHWESTERLY FROM THE SOUTHEASTERLY LINE OF MASON STREET;

THENCE NORTH 41°29'45" EAST, PARALLEL WITH SAID SOUTHEASTERLY LINE OF MASON STREET, 103.22 FEET TO THE MOST SOUTHERLY OF THE ABOVE SAID PARCEL 1;

THENCE NORTH 48°30'00" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1, 53.16 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL 1;

THENCE AT RIGHT ANGLES, NORTH 41°30'00" EAST, ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 1, 175.00 FEET TO THE POINT OF BEGINNING.

-End of Description-

Calculated area 72,040 sq.ft/1.65 acres

Page 1 of 2 Pages

EXHIBIT B



The bearings and distances used in this description were based on the Record of Surveys filed in Book 110RS37 and 172RS10 in the office of the Santa Barbara County Recorder. RS172/10 was rotated to fit City Block 323 bearing on State Street as shown on RS110/37 (N 48°30'00" W).

A diagram of this Merged Parcel and the City Block 323 is shown on the attached Exhibit "B".

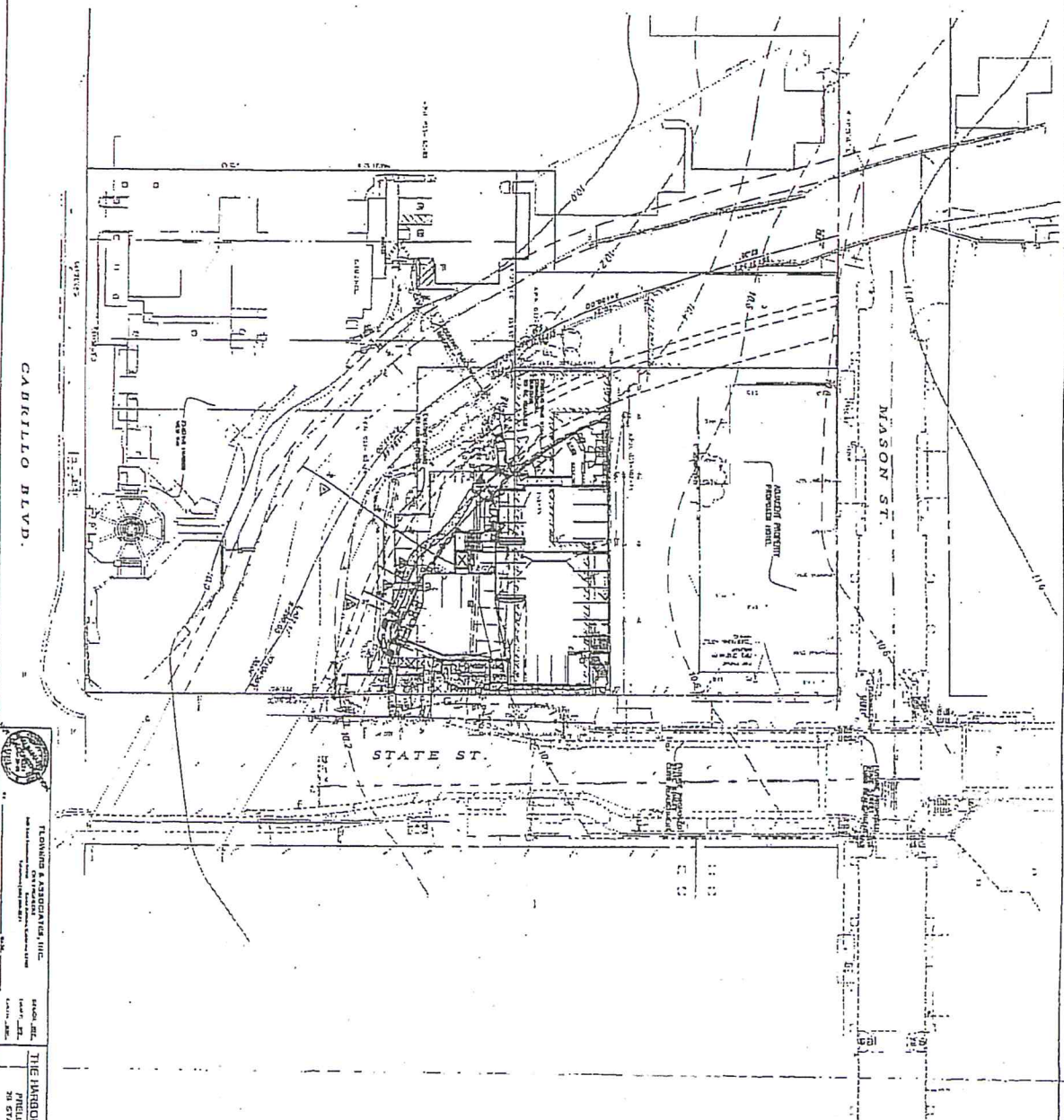
This Merged Parcel description was prepared by me and under my direction in conformance with the Professional Land Surveyor's Act.

Prepared by: Joseph E. Waters, PLS 3804

Date: 8/16/04



The properties merged in this description are entitled to Antonio R. Romasanta, as Trustee of the Romasanta Family Living Trust U/T/A dated December 3, 2003 and are currently listed as APNs: 033-102-15 & 16 on the date of this description.



PLANNING & ASSOCIATES, INC.  
 1000 N. 10TH ST., SUITE 100  
 DENVER, CO 80202  
 TEL: 333-1111  
 FAX: 333-1112

THE LINDOR VIEW INN - STATE STREET ANNEX  
 PRELIMINARY CIVIL SITE DEVELOPMENT  
 20 STATE STREET ANNEX, DENVER, CO 80202  
 SCALE: 1" = 20'

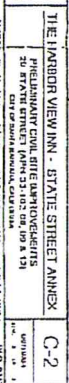
# MISSION CREEK ALIGNMENT EXHIBIT



SCALE: 1" = 20'

- THIS PLAN, SPECIFICATIONS AND NOTES ARE TO BE USED IN CONJUNCTION WITH THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
1. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
2. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
3. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
4. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
5. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
6. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
7. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
8. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
9. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.
10. THE PROPOSED ALIGNMENT IS BASED ON THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION, AND THE CITY OF DENVER'S STANDARD SPECIFICATIONS FOR UTILITIES, LATEST EDITION.





SCALE: 1 - 10

[illegible]



EXHIBIT "A"

DESCRIPTION: Non-exclusive, perpetual Easement 60' wide to County Flood Control

AN EASEMENT 60 FOOT IN WIDTH OVER THAT PORTION THE REAL PROPERTY DESCRIBED IN THE VOLUNTARY MERGER TO BEACH MOTEL PARTNERS, AND RECORDED OCTOBER \_\_, 2004 AS INSTRUMENT No. 2004-00 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, BEING A PORTION OF BLOCK 323 IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, SAID EASEMENT IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF STATE STREET, FROM WHICH THE MOST NORTHERLY CORNER OF SAID MERGED PROPERTY BEARS NORTH 48°30'00" WEST 228.38 FEET;

THENCE SOUTH 71°04'50" WEST, 47.07 FEET, INTO SAID MERGED PARCEL, TO THE BEGINNIG OF A CURVE TO THE LEFT WHOSE RADIAL CENTER BEARS SOUTH 18° 55'10" EAST 170.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A DELTA OF 9°12'58", A RADIUS OF 170.00 FEET, AND A LENGTH OF 27.34 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT WHOSE RADIAL CENTER BEARS NORTH 28° 08'08" WEST 275.00 FEET;

THENCE ALONG THE ARC OF SAID REVERSE CURVE TO THE RIGHT HAVING A DELTA OF 43°39'34", A RADIUS OF 275.00 FEET, AND A LENGTH OF 209.55 FEET;

THENCE NORTH 74°28'34" WEST 3.67 FEET, TO INTERSECT THE NORTHWESTERLY LINE OF SAID MERGED PROPERTY, SAID LINE BEING 171.90 FEET SOUTHWESTERLY FROM THE SOUTHEASTERLY LINE OF MASON STREET;

THENCE NORTH 41°29'45" EAST, ALONG SAID NORTHWESTERLY LINE AND PARALLEL WITH SAID LINE OF MASON STREET, 43.93 FEET TO THE AN ANGLE POINT IN THE SOUTHWESTERLY LINE OF SAID MERGED PROPERTY;

THENCE NORTH 48°30'00" WEST, ALONG SAID LINE OF THE MERGED PARCEL, 47.92 FEET TO A POINT ON SAID LINE FROM WHICH THE MOST WESTERLY CORNER OF SAID MERGED PARCEL BEARS NORTH 48°30'00" WEST 5.24 FEET, SAID POINT ON LINE BEING A POINT ON A CURVE CONCAVE NORTHERLY WHOSE RADIAL CENTER BEARS NORTH 18°27'15 EAST 370.00 FEET;



2004-0132183

Recording Requested by  
and to be returned to:  
Public Works *(Check of the Board)*  
Real Property *copies*  
Will Call

Recorded  
Official Records  
County Of  
SANTA BARBARA  
JOSEPH E. HOLLAND  
Recorder

REC FEE .00

11:29AM 15-Dec-2004 tap  
Page 1 of 12

COUNTY OF SANTA BARBARA  
OFFICIAL BUSINESS

No fee pursuant to  
Government Code Sec. 6103

12  
Free Rec  
Space above this line for Recorder's Use  
APN: 033-102-02 (PORTION)

NO FEE PER GOV. CODE 6108

EASEMENT DEED

ANTONIO R. ROMASANTA, AS TRUSTEE OF THE ROMASANTA  
FAMILY LIVING TRUST U/T/A December 3, 2003, GRANTOR, enters  
into this EASEMENT DEED with regard to the following facts:

RECITALS

A. GRANTOR is the owner of all that real property in  
the City of Santa Barbara, County of Santa Barbara, State  
of California, commonly known as 28 West Cabrillo Boulevard  
(APN 033-102-02), which is described in the attached  
EXHIBIT A; as well as 22 West Cabrillo Boulevard, 1 State  
Street and 17 State Street (APN 033-102-16), and 29 State  
Street (033-102-15), which parcels have been merged and are  
described in the attached EXHIBIT B. The properties  
described in EXHIBITS A and B are herein referred to  
collectively as the "Real Property."

B. The U. S. Army Corps of Engineers, Los Angeles  
District, has been authorized by Section 209 of the Flood  
Control Act of 1962 (Public Law 87-874, 87<sup>th</sup> Congress,  
Second Session) to perform feasibility studies for flood  
control in the City of Santa Barbara, California. The  
feasibility studies made in cooperation with the Santa  
Barbara County Flood Control and Water Conservation  
District ("FCWD") and the City of Santa Barbara ("City")  
have produced a Feasibility Report dated September 2000.



C. That Feasibility Report identifies as a preferred alternative for flood control purposes Alternative No. 12. A copy of the proposed flood control project between Mason Street and State Street in the City of Santa Barbara is depicted in EXHIBITS C-1 and C-2 attached hereto, entitled Mission Creek Alignment Exhibit, as prepared by Flowers & Associates, Inc., dated September 9, 2004, and September 10, 2004, respectively. A 60-foot width is proposed for the flood control channel between Mason Street and State Street under Alternative No. 12. The City and FCD have requested a narrower channel width of 50 feet if feasible, which the Corps of Engineers is currently considering.

D. In anticipation of the construction of the proposed Mission Creek Flood Control Project, GRANTOR has agreed to grant easements for said flood control project, thereby deriving the benefit of flood control protection for the adjacent property owned by GRANTOR.

E. It is hereby acknowledged that Alternative No. 12 is a preliminary design.

F. By separate document, GRANTOR has made an irrevocable offer of an easement for the proposed Mission Creek Flood Control Project, contemplating Alternative No. 12 as the preliminary design.

G. This document is an irrevocable offer of a non-exclusive perpetual easement to the FCD for ingress and egress for required maintenance of the finally constructed Mission Creek Flood Control Project, which easement is limited to pedestrian access and non-motorized equipment as this area has already been developed and has significant permanent improvements on it, but would still afford pedestrian access for maintenance of the flood control channel. This easement shall be ten feet (10') in width adjacent to, parallel with and southwest of the easement described in Recital C above and depicted in EXHIBITS C-1 and C-2.

NOW, THEREFORE, FOR A VALUABLE CONSIDERATION, GRANTOR does hereby irrevocably offer to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special district, its successors or assigns, as GRANTEE herein, for acceptance by FCD at any time, at its sole discretion, the following described easement located on portions of



GRANTOR'S Real Property described in EXHIBIT A attached hereto:

1. A non-exclusive perpetual easement for the periodic ingress and egress as required for maintenance of Mission Creek, including pedestrian access and non-motorized equipment, said easement for ingress and egress being ten feet (10') wide, as described in EXHIBIT D attached hereto, adjacent to, parallel with and southwesterly of the perpetual easement described in Recital C above, needed for the Mission Creek project as finally approved for construction and reconstruction of water flowage, flood control and related purposes within Mission Creek.

2. The GRANTOR and its successors in interest retain the right to use the easement area except that within the easement area, no new permanent structures, buildings, and/or any accessory parts can be erected or other use made by GRANTOR which would interfere with GRANTEE'S use of the easement.

3. GRANTOR represents and warrants that he is the owner of the Real Property described herein or is authorized by the owner of the Real Property to execute this Easement Deed and that no additional signatures are required to carry out the duties contemplated herein.

Executed this 28 day of Oct, 2004,  
at Santa Barbara, California.

GRANTOR:

THE ROMASANTA FAMILY LIVING TRUST  
U/T/A DECEMBER 3, 2004

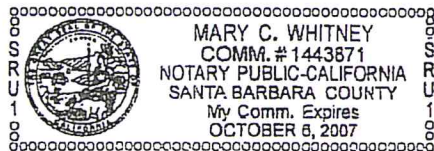
By Antonio R. Romasanta  
Antonio R. Romasanta, Trustee

C.C. 1189

On October 28, 2004, before me, Mary C. Whitney

WITNESS my hand and official seal  
on this 28 day of October, 2004.

(Seal)



CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS.

THIS IS TO CERTIFY that the interest in real property conveyed by the Easement Deed dated 10/28/04, 2004, from ANTONIO R. ROMASANTA, AS TRUSTEE OF THE ROMASANTA FAMILY LIVING TRUST U/T/A DATED DECEMBER 3, 2003, to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special district, is hereby accepted by Order of the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District on 12/7/04, and the Santa Barbara County Flood Control and Water Conservation District as GRANTEE consents to recordation thereof by its duly authorized officer.

MICHAEL F. BROWN,  
CLERK OF THE BOARD and  
Ex Officio Clerk of the Board  
of Directors of the Santa  
Barbara County Flood Control  
And Water Conservation District

By:

Chris Cooney  
Deputy



LEGAL DESCRIPTION  
APN 033-102-02

All that certain land situated in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Those portions of Block 323 in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

PARCEL ONE:

Beginning at the South corner of said block, as now constituted and laid out, at the intersection of the Northeasterly line of Chapala Street and the Northwesterly line of the Boulevard; thence along said Northeasterly line of Chapala Street in a Northwesterly direction 390.3 feet, more or less, to the Southeasterly line of Mason Street; thence at right angles Northeasterly and along said Southeasterly line of Mason Street 225 feet; thence at right angles into said Block 149.1 feet, more or less, to a fence; thence at right angles Southwesterly and along said fence and a projection of the line thereof 53 feet; thence at right angles Southeasterly 247.9 feet to the Northwesterly line of the Boulevard; thence in a Southwesterly direction and along said Northwesterly line of the Boulevard 172 feet, more or less, to the place of beginning.

EXCEPTING THEREFROM that portion thereof described as follows:

Beginning at the most Westerly corner of said block, at the intersection of Mason and Chapala Streets and running thence Northeasterly along Mason Street 100 feet to a point; thence Southeasterly at right angles into said block 100 feet to a point; thence Southwesterly at right angles 100 feet to Chapala Street; thence Northwesterly along Chapala Street 100 feet to the point of beginning.

Exhibit A

EXHIBIT "A"

DESCRIPTION: MERGED PARCEL

THAT PORTION OF BLOCK 323 IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL MAP THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF STATE STREET, FROM WHICH THE MOST NORTHERLY CORNER OF SAID BLOCK 323 BEARS NORTH 48°30'00" WEST 118.76 FEET, SAID POINT OF BEGINNING ALSO BEING THE MOST NORTHERLY CORNER OF PARCEL 1 AS STATED IN THE TRANSFER DEED TO ANTONIO R. ROMASANTA, TRUSTEE OF THE ROMASANTA FAMILY LIVING TRUST U/T/A DATED DECEMBER 3, 2003 AND RECORDED JUNE 8, 2004 AS INSTRUMENT No. 2004-006115 OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE SOUTH 48°30'00" EAST, ALONG SAID SOUTHWESTERLY LINE OF STATE STREET 278.65 FEET TO THE MOST EASTERLY CORNER OF SAID BLOCK 323, SAID CORNER BEING THE INTERSECTION OF THE NORTHWESTERLY LINE OF CABRILLO BOULEVARD (as now established) WITH THE SOUTHWESTERLY LINE OF STATE STREET;

THENCE SOUTH 41°28'08" WEST, ALONG SAID NORTHWESTERLY LINE OF CABRILLO BOULEVARD, 278.10 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 2 OF SAID ROMASANTA TRANSFER DEED;

THENCE AT RIGHT ANGLES, NORTH 48°31'52" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 2, 225.63 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL 2 AND A POINT 171.90 FEET SOUTHWESTERLY FROM THE SOUTHEASTERLY LINE OF MASON STREET;

THENCE NORTH 41°29'45" EAST, PARALLEL WITH SAID SOUTHEASTERLY LINE OF MASON STREET, 103.22 FEET TO THE MOST SOUTHERLY OF THE ABOVE SAID PARCEL 1;

THENCE NORTH 48°30'00" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1, 53.16 FEET TO THE MOST WESTERLY CORNER OF SAID PARCEL 1;

THENCE AT RIGHT ANGLES, NORTH 41°30'00" EAST, ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 1, 175.00 FEET TO THE POINT OF BEGINNING.

-End of Description-

Calculated area 72,040 sq.ft/1.65 acres

Page 1 of 2 Pages

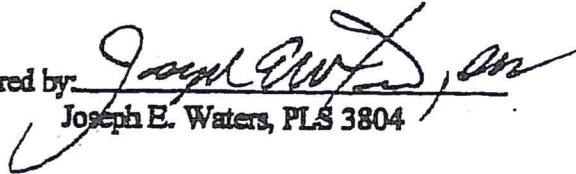
EXHIBIT B

The bearings and distances used in this description were based on the Record of Surveys filed in Book 110RS37 and 172RS10 in the office of the Santa Barbara County Recorder. RS172/10 was rotated to fit City Block 323 bearing on State Street as shown on RS110/37 (N 48°30'00" W).

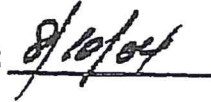
A diagram of this Merged Parcel and the City Block 323 is shown on the attached Exhibit "B".

This Merged Parcel description was prepared by me and under my direction in conformance with the Professional Land Surveyor's Act.

Prepared by:

  
Joseph E. Waters, PLS 3804

Date:





The properties merged in this description are entitled to Antonio R. Romasanta, as Trustee of the Romasanta Family Living Trust U/T/A dated December 3, 2003 and are currently listed as APNs: 033-102-15 & 16 on the date of this description.





**FLOWING & ASSOCIATES, INC.**  
ONE EIGHT  
Lafayette Avenue  
New York, N.Y. 10013  
Telephone: (212) 697-1111

bioRxiv preprint doi: <https://doi.org/10.1101/2017.05.02.134111>; this version posted May 2, 2017. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

THE HARBOR VIEW INN - STATE STREET  
PRELIMINARY CIVIL DATE APPROVAL: 4/15/15  
29 STATE STREET (APN 33-102-08, 00 & 12)  
CITY OF SANTA MONICA, CALIFORNIA

C-1	000001
-----	--------

MISSION CREEK  
ALIGNMENT EXHIBIT

BCALFE:1'-20

subsequent suit was dismissed, 1991 (see the District Court decision, 1991) and the suit was dismissed with prejudice, 1991 (see the District Court decision, 1991).

- ⚠ A 35% temporary retirement for the first of only.
- ⚠ A 5% non-transferable paid leave period is for ECU for 2000. It is available, unused, transferable, non-transferable, and non-transferable.
- ⚠ A 25% non-transferable paid leave period is for ECU for 2000. It is available, unused, transferable, non-transferable, and non-transferable.
- ⚠ A 10% non-transferable paid leave period is for ECU for 2000. It is available, unused, transferable, non-transferable, and non-transferable.

[illegible]



THE HARDOR VIEW INN - STATE STREET ANNEX  
PRELIMINARY CIVIL SITE IMPROVEMENTS  
28 STATE STREET (APN 31-102-09, 09 & 12)  
CITY OF LOS ANGELES, CALIFORNIA



# MISSION CREEK ALIGNMENT EXHIBIT

SCALE: 1" = 10'

[illegible][illegible]

BASIC PRINCIPLES

**IDENTITY**  
 DECEASED IDENTIFIED AS WILLIAM LLOYD BARNES; BORN 1916  
 ABOUT 1918; DIED 1978 IN GILBERTSON, MINN.

**SUBJECT:** CHARLOTTE REYNOLDS DOUGLAS AND COMPANY WITH PROTECTIVE ORDER  
WITNESS JUNE TWENTY-NINE, PENDING BY LSC.



EXHIBIT "E"

**DESCRIPTION:** Non-exclusive, perpetual Easement 10' wide to County Flood Control for periodic ingress and egress as required for maintenance of Mission Creek.

AN EASEMENT 10 FOOT IN WIDTH OVER THAT PORTION THE REAL PROPERTY DESCRIBED IN THE VOLUNTARY MERGER TO BEACH MOTEL PARTNERS, AND RECORDED OCTOBER \_\_, 2004 AS INSTRUMENT No. 2004-00 OF OFFICIAL RECORDS OF SANTA BARBARA COUNTY, BEING A PORTION OF BLOCK 323 IN THE CITY OF SANTA BARBARA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, SAID EASEMENT IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF STATE STREET, FROM WHICH THE MOST NORTHERLY CORNER OF SAID MERGED PROPERTY BEARS NORTH 48°30'00" WEST 239.88. FEET;

THENCE SOUTH 71°04'50" WEST, 52.75 FEET, INTO SAID MERGED PARCEL, TO THE BEGINNIG OF A CURVE TO THE LEFT WHOSE RADIAL CENTER BEARS SOUTH 18° 55'10" EAST 160.00 FEET;  
THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A DELTA OF 9°12'58", A RADIUS OF 160.00 FEET, AND A LENGTH OF 25.74 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT WHOSE RADIAL CENTER BEARS NORTH 28° 08'08" WEST 285.00 FEET;  
THENCE ALONG THE ARC OF SAID REVERSE CURVE TO THE RIGHT HAVING A DELTA OF 43°39'34", A RADIUS OF 285.00 FEET, AND A LENGTH OF 217.17 FEET; TO INTERSECT THE NORTHWESTERLY LINE OF SAID MERGED PROPERTY SAID LINE BEING 171.90 FEET SOUTHWESTERLY FROM THE SOUTHEASTERLY LINE OF MASON STREET;  
THENCE NORTH 74°28'34" WEST 8.54 FEET, TO INTERSECT THE NORTHWESTERLY LINE OF SAID MERGED PROPERTY, SAID LINE BEING 171.90 FEET SOUTHWESTERLY FROM THE SOUTHEASTERLY LINE OF MASON STREET;  
THENCE NORTH 41°29'45" EAST, ALONG SAID NORTHWESTERLY LINE AND PARALLEL WITH SAID LINE OF MASON STREET, 11.12 FEET;  
THENCE SOUTH 74°28'37" EAST 3.67 FEET TO THE BEGINNIG OF A CURVE TO THE LEFT WHOSE RADIAL CENTER BEARS NORTH 15° 31'26" EAST 275.00 FEET;



THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A DELTA OF 43°39'34", A RADIUS OF 275.00 FEET, AND A LENGTH OF 209.55 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT WHOSE RADIAL CENTER BEARS SOUTH 28° 08'08" EAST 170.00 FEET;  
THENCE ALONG THE ARC OF SAID REVERSE CURVE TO THE RIGHT HAVING A DELTA OF 9° 12'58", A RADIUS OF 170.00 FEET, AND A LENGTH OF 27.34 FEET;  
THENCE SOUTH 71°04'50" WEST, 47.07 FEET TO INTERSECT THE ABOVE SAID SOUTHWESTERLY LINE OF STATE STREET;  
THENCE SOUTH 48°30'00" EAST, ALONG SAID SOUTHWESTERLY LINE OF STATE STREET 11.50 FEET TO THE POINT OF BEGINNING.

-End of Description-

Calculated area 2,959 sq.ft/0.10 acres

Prepared by: Joseph E. Waters, PLS 3804

Date: 10/24/04

The bearings and distances used in this description were based on the Record of Surveys filed in Book 110RS37 and 172RS10 in the office of the Santa Barbara County Recorder. RS172/10 was rotated to fit City Block 323 bearing on State Street as shown on RS110/37 (N 48°30'00" W).

A diagram of this Easement is shown on the attached Exhibit Map.

County Project: Lower Mission Creek Improvement  
County Project #: SC8042  
APNs: 033-102-002  
Real Prop. Folio: R-328  
County Agent: JJH

**TEMPORARY CONSTRUCTION EASEMENT**  
**(NOT FOR RECORDATION)**

Antonio R. Romasanta, as the sole general partner of Beach Motel Partners, a California general partnership as owner of all that real property in the City of Santa Barbara, County of Santa Barbara, State of California, more particularly described as Santa Barbara County Assessor's Parcel Number 033-102-002 (28 West Cabrillo Blvd., herein the "Property"), and referred to as GRANTOR herein,

DOES HEREBY GRANT TO

The SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a dependent special district, its successors or assigns, as COUNTY herein, a temporary construction easement and right of way to enter upon to move workers, equipment and materials in, on, over, along, under and across that certain land situated in the County of Santa Barbara, State of California, more particularly described on Exhibit "A" and shown on Exhibit "B" (herein the "Portion"), which are attached hereto and made a part hereof, to facilitate the construction the Lower Mission Creek Improvement Project (herein the "Project").

1. GRANTOR is aware of his right to receive compensation for this Temporary Construction Easement (herein the "TCE") but has agreed to dedicate this TCE to the COUNTY without charge. COUNTY shall compensate GRANTOR via the installation of the Project improvements on the Property by COUNTY at COUNTY'S cost, and by making every effort to assure that the hours of operation on the Portion are limited to Monday through Friday between the hours of 9:00 A.M and 6:00 P.M. No stockpiling or storage of equipment or materials will be allowed on the Property or Portion.
2. It is contemplated that this temporary construction easement shall be for a period of twelve (12) months and will commence on the date stated in COUNTY'S written notice to GRANTOR of the start of construction, which notice shall be provided to GRANTOR at least thirty (30) days in advance of said construction. In the event that construction is not completed within said twelve (12) month period, the term of this temporary construction easement shall be extended for three month period(s) as necessary to facilitate completion of the Project improvements. COUNTY shall provide GRANTOR with fifteen (15) day written and advance notice in the event the COUNTY needs to extend the term of this temporary construction easement. This temporary construction easement shall terminate not more than twenty four (24) months after commencement.

4. The COUNTY, its authorized agents, employees and contractors shall exercise reasonable precautions necessary to prevent damage to and protect the Property during COUNTY'S entry thereon.
5. COUNTY, its authorized agents, employees and contractors shall replace and/or repair any improvements, destroyed or damaged, as a result of the rights granted under this TCE. If any improvements are damaged or removed by COUNTY, its authorized agents, employees and contractors, they shall be restored or replaced by COUNTY to as near the original condition and location as is practicable.
6. By COUNTY'S exercise of this TCE, GRANTOR assumes no liability for loss or damage to COUNTY'S property, or injury to or death of any agent, employee, or contractor of COUNTY.
7. COUNTY agrees to defend, indemnify and hold GRANTOR harmless from any claims or damages resulting from COUNTY'S use of the Portion.
8. GRANTOR shall defend, indemnify, save, and hold harmless COUNTY, its agents, employees, officers, successors, and assigns from any and all claims, liabilities, demands, costs (including reasonable attorney fees), and causes of action of all kinds with regard to the condition of the easement property which is the subject of this deed, including, hazardous and/or toxic materials, if any.

In the event the indemnity hereunder exceeds that permitted by applicable law, such indemnity shall be construed as the maximum permitted by law. This indemnity shall not apply to any contamination which may occur on the TCE area or GRANTOR'S Property resulting from the operations of COUNTY subsequent to the commencement date of this TCE.

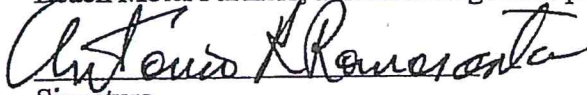
9. GRANTOR represents and warrants he is authorized to sign on behalf of the owner of the Property described herein and that no additional signatures are required to carry out the duties contemplated herein.



County Project: Lower Mission Creek Improvement  
County Project #: SC8042  
APNs: 033-102-002  
Real Prop. Folio: R-328  
County Agent: JJH

GRANTOR:

Beach Motel Partners, a California general partnership

  
Signature

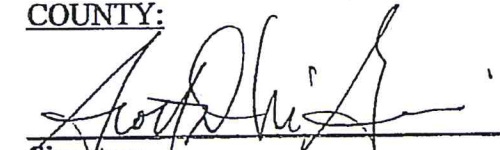
Antonio R. Romasanta  
General Partner, Beach Motel Partners  
Print Name/Title

800 Garden Street #K  
Address

Santa Barbara, CA 93101  
City, State, Zip

Sept 8 2010  
Date

COUNTY:

  
Signature

Scott D. McGolpin  
Public Works Director  
Print Name/Title

123 East Anapamu Street  
Address

Santa Barbara, CA 93101  
City, State, Zip

7/14/10  
Date

## LEGAL DESCRIPTION

That portion of BLOCK 323 according to the Official Map of the City of Santa Barbara, in the City of Santa Barbara, County of Santa Barbara, State of California, and shown on map recorded in Book 172, Page 10 of Records of Survey, in the Office of the County Recorder of said County, described as follows:

COMMENCING at the most westerly corner of LOT A as shown on FINAL MAP NO. 20,683 recorded in Book 201, Page 35 of Maps in the Office of said County Recorder;

Thence, S 42°25'49"W 50.00 feet along the northwest line of said BLOCK 323 to the most westerly corner of a Lot shown as 1312-580 O.R. on map recorded in Book 110, Page 37 of Records of Survey, also being the most northerly corner of Parcel One in GRANT DEED recorded October 12, 1999 as Instrument Number 1999-0082720 of Official Record in the Office of said County Recorder;

Thence, S 48°01'07"E 171.70 feet along the northeasterly line of Parcel One and Parcel Two in said GRANT DEED to the easterly corner of said Parcel Two;

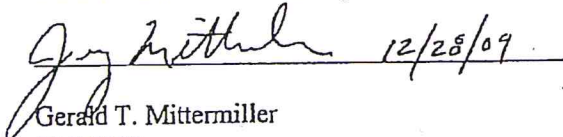
Thence, S 42°25'43"W 5.67 feet along the southeast line of said Parcel Two to the beginning of a non-tangent curve concave to the northeast having a radius of 220.00 feet, and to which a radial line bears S 16°27'35"W, and being the TRUE POINT OF BEGINNING;

- 1) Thence, leaving said southeast line, northwesterly 46.79 feet along said curve through a central angle of 12°11'09";
- 2) Thence, tangent to said curve, N 61°21'16"W 131.56 feet to the northwest line of said BLOCK 323;
- 3) Thence, S 42°25'49"W 33.01 feet along said northwest line;
- 4) Thence, leaving said northwest line, S 61°21'16"E 120.89 feet to the beginning of a tangent curve concave to the northeast having a radius of 341.50 feet;
- 5) Thence, southeasterly 57.34 feet along said curve through a central angle of 9°37'13" to the southeast line of said Parcel Two;
- 6) Thence, N 42°25'43"E 33.17 feet along the southeast line of said Parcel Two to the TRUE POINT OF BEGINNING.

End of Description

Containing 5,653 square feet / 0.13 acres, more or less.

This Legal Description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

  
Gerald T. Mittermiller  
PLS 8125  
Expiration Date 12/31/2010



S 684  
Portion of APN 033-102-002  
Temporary Construction Easement

APPROXIMATE EASEMENT AREA = 5653 sq.ft.

LOT A

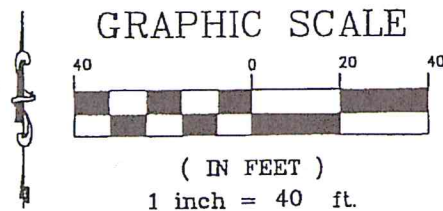
MASON STREET

APN: 033-102-003

True Point of Beginning

BLOCK 323

APN: 033-102-002



THIS MAP WAS PREPARED BY ME, OR  
UNDER MY DIRECTION, IN  
CONFORMANCE WITH PROFESSIONAL  
LAND SURVEYORS ACT.

Gerald T. Mittermiller 12/30/09  
GERALD T. MITTERMILLER DATE

COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE

TEMPORARY CONSTRUCTION EASEMENT  
SANTA BARBARA COUNTY FLOOD CONTROL  
DISTRICT

PORTION OF APN: 033-102-002  
CITY OF SANTA BARBARA  
SANTA BARBARA COUNTY, CALIFORNIA  
DECEMBER 2009

5684



KIMBERLY AVE.

MASON ST.

STATE ST.

28 W CABRILLO BLVD  
APN-033-102-002

BLOCK 323

22 W CABRILLO BLVD  
APN-033-102-017

MISSION CREEK  
2011-0029044  
DEED  
TCE FOR 033-102-002

TCE FOR 033-102-017

2004-0132180 DEED

2004-0132182 DEED

2004-0132183 DEED

**LEGEND:**



Santa Barbara County Flood Control  
and Water Conservation District  
Temporary Construction Easement  
temporarily assigned to the  
City of Santa Barbara



Santa Barbara County Flood Control  
and Water Conservation District  
Permanent Easement temporarily  
assigned to the City of Santa Barbara

**EXHIBIT B**

CABRILLO BLVD.

