

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 4/23/03
Department Name: Parks
Department No.: 052
Agenda Date: 5/6/03
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Terri Maus-Nisich
Director of Parks

STAFF CONTACT: Claude Garciacelay
Park Planner, 568-2469

SUBJECT: Resolution of Acceptance of Offer to Dedicate Public Access Easement, 1st District

Recommendation(s):

That the Board of Supervisors:

Adopt a resolution to accept an Offer to Dedicate Easement for public access from Cary Place Partners, the offer recorded as document number 78-25394 of the official records of the County Recorder of Santa Barbara County, on certain real property located in the unincorporated area of Summerland, Santa Barbara County, in connection with the California Coastal Act and with the County's certified Local Coastal Program.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 5.A High Quality of Life for All Residents.

Executive Summary and Discussion:

This Offer to Dedicate (OTD) was discussed by your Board in connection with processing and approval of a Lot Line Adjustment, General Plan Amendment and Coastal Development permit for the Mecay/Hotchkiss project heard on March 18, 2003. With the approval of the project, the Board requested that the pending OTD be brought back to the Board for acceptance prior to its expiration in June 2003.

The OTD was required as mitigation as a result of the issuance of a permit by the Coastal Commission in 1978. The offer is a lateral beach access easement from the mean high tide line to the toe of the slope on APN 5-240-6, which has subsequently been subdivided and become a part of various parcels (APNs 5-240-30,-31,-32,-33,-34 & -35) with the offer pending on these parcels as the successors/assigns of the original

parcel. This offer of lateral beach creates a link in continuous public lateral access from Lookout Park on the west to Wallace Avenue beach access to the east. The offer will provide for the public's use of the dry sand beach area from the mean high tide line to the toe of the bluff. No improvements are necessary for use by the public of the lateral beach access.

Special provisions of the OTD require that the agency accepting the OTD accept responsibility for maintenance of the easement and indemnify and hold the grantors harmless from liability, and the County agrees to these provisions. Maintenance will be handled by Parks staff and indemnity and liability concerns would be addressed in conjunction with State provisions for immunity of underlying property owners for recreational use on public easements.

Mandates and Service Levels:

No change in programs. Service levels would experience a slight increase by the addition of new beach area to be maintained, and would be absorbed into the current maintenance effort at Summerland Beach.

Fiscal and Facilities Impacts:

No improvements to the beach access area are proposed at this time. Any increase in maintenance and operations costs would be absorbed into the current operating budget for the area as necessary to maintain this beach area. Any potential costs from indemnity and liability concerns are undetermined at this time.

Special Instructions:

After the Board action and acceptance, the Clerk of the Board shall record the original resolution with the County Clerk Recorder and subsequently distribute as follows:

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|----|--------------------------------------|----------------------------------|
| 1. | Copy of Original Document | Clerk of the Board Files |
| 2. | Original Document & Minute Order | County Parks; Claude Garciacelay |
| 3. | Copy of Original Doc. & Minute Order | P&D; Greg Mohr |

Concurrence:

County Counsel
Risk Management
Planning & Development