

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

IN THE MATTER OF INSTITUTING
PROCEEDINGS AND MAKING A
FINDING OF PUBLIC NECESSITY FOR
THE ACQUISITION OF CERTAIN
PROPERTIES BY THE COUNTY OF
SANTA BARBARA FROM TRUE
HORIZONS, LLC, A DELAWARE
LIMITED LIABILITY COMPANY

RESOLUTION NO. _____
(4/5 vote required)

BE IT RESOLVED that the County of Santa Barbara Board of Supervisors (“COUNTY”), State of California, does hereby find and determine as follows:

A. COUNTY has approved the acquisition of Temporary Construction Easements, an Access Easement, and a Native Landscaping & Fish Passage Easement (collectively the “Easements”) in connection with the Fernald Point Lane Bridge Replacement Project at Romero Creek (herein referred to as the “Project”), described as a portion of County of Santa Barbara Assessor’s Parcel Numbers, 007–380–004 and 007–380–024, and as more fully set forth in Attachments 1 through 4 and Exhibits “A” and “B” of each Attachment attached hereto and incorporated herein (“Subject Property”); and

B. The Subject Property is being acquired for the PROJECT, i.e., the replacement of the existing Fernald Point Bridge No. 51C–0137, and for such all purposes under the authority of:

1. Article I, Section XIX of the California Constitution; and
2. Code of Civil Procedure; Section 1240.010, 1240.110
1240.120, 1230.020 and 1240.020;
3. Government Code Section 25350.5; and

C. The Subject Property is within the unincorporated area of the County of Santa Barbara, State of California, and is located in the Community of Montecito, Assessor’s Parcel Numbers 007–380–004 (Parcel–004) and 007–380–024 (Parcel–024), as described in:

1. Attachment 1 – Temporary Bridge Construction Easement (Bridge TCE) in Parcel–004.
2. Attachment 2 – Native Landscape and Fish Passage Permanent Easement in Parcel–004.
3. Attachment 3 – Access Permanent Easement in Parcel–004.
4. Attachment 4 – Temporary Driveway and Storm Drain Construction Easement in Parcel–024.

and as more fully set forth in Exhibits “A” and shown in Exhibits “B” attached and incorporated herein, and;

D. That the Board considered the Mitigated Negative Declaration and the Mitigation Monitoring Program (15NGD-00000-00005) for the Proposed Fernald Point Lane Bridge Replacement Project at Romero Creek approved and adopted by the Board of Supervisors on June 21, 2016 and found that pursuant to State California Environmental Quality Act Guidelines Section 15162, no substantial changes are proposed, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives and, therefore, pursuant to Section 15162, the recommended actions are within the scope of the project covered by the MND and no new environmental document is required. The COUNTY has complied with environmental review process under the provisions of CEQA Guidelines adopted by the Secretary of Resources; and

E. That the acquisition of the Subject Property is necessary for the PROJECT; the public interest and necessity require the PROJECT, and; the PROJECT is planned and located in a manner that is compatible with the greatest public good and the least private injury; and

F. That pursuant to Code of Civil Procedure Section 1245.235, notice and an opportunity to be heard was given to the person(s) shown on the last equalized County assessment roll for the Subject Property and said person(s) was/were provided with a written Appraisal Summary Statement and an Eminent Domain Process Summary; and

G. That pursuant to Government Code Section 7267.2 the owner(s) of record was/were offered just compensation for the Subject Property herein described.

NOW, THEREFORE the Board of Supervisors for the County of Santa Barbara, State of California does hereby find, determine, and resolve by at least four-fifths (4/5) vote:

1. The Subject Property is located within the County of Santa Barbara on Fernald Point Lane, in the State of California, County of Santa Barbara, Community of Montecito, and is a portion of Assessor's Parcel Numbers 007-380-004 and 007-380-024, described in:

- A. Attachment 1 – Temporary Bridge Construction Easement (Bridge TCE) in Parcel-004.
- B. Attachment 2 – Native Landscape and Fish Passage Permanent Easement in Parcel-004.
- C. Attachment 3 – Access Permanent Easement in Parcel-004.
- D. Attachment 4 – Temporary Driveway and Storm Drain Construction Easement in Parcel-024.

as set forth in Exhibit "A" and shown in Exhibit "B", attached hereto are incorporated herein as though set forth at length and is made a part hereof.

2. The public interest and necessity require the PROJECT.

3. The PROJECT is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

4. The Subject Property described in the Resolution is necessary for the Project.

5. That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

6. The COUNTY has complied with the environmental review process under the provisions of CEQA and the State CEQA Guidelines adopted by the Secretary of Resources.

7. The County Counsel of the County of Santa Barbara and Special Eminent Domain Counsel, the Law Offices of Oliver, Sandifer, and Murphy are authorized and directed to perform all acts necessary on behalf of the COUNTY for the acquisition of said Subject Property, and to do any and all other things in connection with such proceedings as in his/her or their judgment may be necessary or convenient to the successful conclusion of said proceeding or proceedings, including obtaining of an Order for Prejudgment Possession, the preparation, filing, amendment, dismissal, etc. of all pleadings and stipulations that in the opinion of Counsel are necessary for the processing of the litigation.

8. The County Counsel and the Director of the Public Works Department are hereby authorized to expend funds available to the COUNTY for the acquisition of the Subject Property herein described.

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BE IT RESOLVED that the real property interests described in Attachments 1 through 4, set forth in Exhibits "A" and shown in Exhibits "B" be acquired by eminent domain in the name of the County of Santa Barbara for public use purposes, as specified herein, and County Counsel of the County of Santa Barbara and its Special Eminent Domain Counsel are hereby authorized, empowered, and directed to prepare and prosecute in the name of the COUNTY such proceeding or proceedings in the proper Court having jurisdiction thereof, as are necessary for such acquisition, and are authorized, at their discretion are authorized to apply for an order or orders fixing the amount of such security in the way of money deposits as said Court may direct, and or an order or orders permitting said COUNTY to take immediate possession and use of said Subject Property for the public purposes.

PASSED AND ADOPTED by the County of Santa Barbara Board of Supervisors, State of California, this the _____ day of September, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

"COUNTY"

"COUNTY SANTA BARBARA"

a political subdivision of the State of California

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

By: _____
Steve Lavagnino, Chair
Board of Supervisors

By: _____
Sheila de la Guerra
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM
BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By: _____
Scott Greenwood
Deputy County Counsel

By: _____
C. Edwin Price, Jr.
Deputy Auditor-Controller

A T T A C H M E N T “1”

TEMPORARY CONSTRUCTION EASEMENT **(TEMPORARY BRIDGE)**

A temporary construction easement and (“TCE”) to enter upon and use the real property described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein for the construction of the Fernald Point Lane Bridge Replacement Project at Romero Creek # 862330 (“Project”).

The TCE contains approximately 2,246 sq.ft. and permits use and occupancy of the real property described in Exhibit A necessary for the purpose of constructing the Project. Vehicular and pedestrian access to the larger parcel from which the TCE is taken shall remain open to owner at all times. Project construction and TCE use will be completed so that access to and from the public system of streets and highways shall be maintained to the larger parcel containing the TCE throughout its term.

The Temporary Construction Easement shall be for a period of thirty-six (36) consecutive months commencing on or about September 10, 2019 and terminating thereafter on, about or before September 10, 2022, or upon notification of the filing of a “Notice of Completion” or otherwise in writing by the County of Santa Barbara, if earlier.

The metes and bounds description, Exhibit “A” and depicted on Exhibit “B” of the TCE area is as follows:

Exhibit "A"

TEMPORARY CONSTRUCTION EASEMENT

TEMPORARY BRIDGE

APN: 007-380-004

LEGAL DESCRIPTION

That portion of Parcel 1 of Parcel Map No. 13,506 in the County of Santa Barbara, State of California, as per map recorded in book 41, Pages 68 and 69 of Parcel Maps in the office of the County Recorder of said County, described as follows:

COMMENCING at the northwest corner of said Parcel 1, thence;

- 1) North 81°54'00" East, along the northerly line of said Parcel 1, 65.54 feet, to point on the northerly line of Fernald Point Lane as shown on said Parcel Map No. 13,506, being the TRUE POINT OF BEGINNING, thence;
- 2) From said TRUE POINT OF BEGINNING, continuing along the northerly line of said Parcel 1, North 81°54'00" East, 51.17 feet, to a point on said northerly line, said point being on a line 30 feet offset northeasterly from that certain northeasterly line of Fernald Point Lane which bears South 60°44'00" East, as shown on said Parcel Map No. 13,506, thence;
- 3) Leaving said northerly line of Parcel 1, South 60°44'00" East, 75.71 feet, along said 30 foot offset line, to a point on said northerly line of Fernald Point Lane, from said point on said northerly line of Fernald Point Lane an angle point in said northerly line of Fernald Point Lane bears South 83°20'20" West, 51.13 feet, thence;
- 4) Along said northerly line of Fernald Point Lane, South 83°20'20" West, 51.13 feet, to said angle point, thence;
- 5) Continuing along said northerly line of Fernald Point Lane, North 60°44'00" West, 55.62 feet, to a tangent curve concave southwesterly, the radial center of which bears South 29°16'00" West, 175.00 feet, thence;
- 6) Continuing along said northerly line of Fernald Point Lane, northwesterly along the arc of said tangent curve, through a central angle of 06°21'37", an arc length of 19.43 feet, to the TRUE POINT OF BEGINNING.

End of Description

Containing 2246 square feet, more or less.

(See attached exhibit map made a part hereof)

This legal description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.

E. Tenell Matlovsky

E. Tenell Matlovsky, PLS 8629



9/27/2018

Date

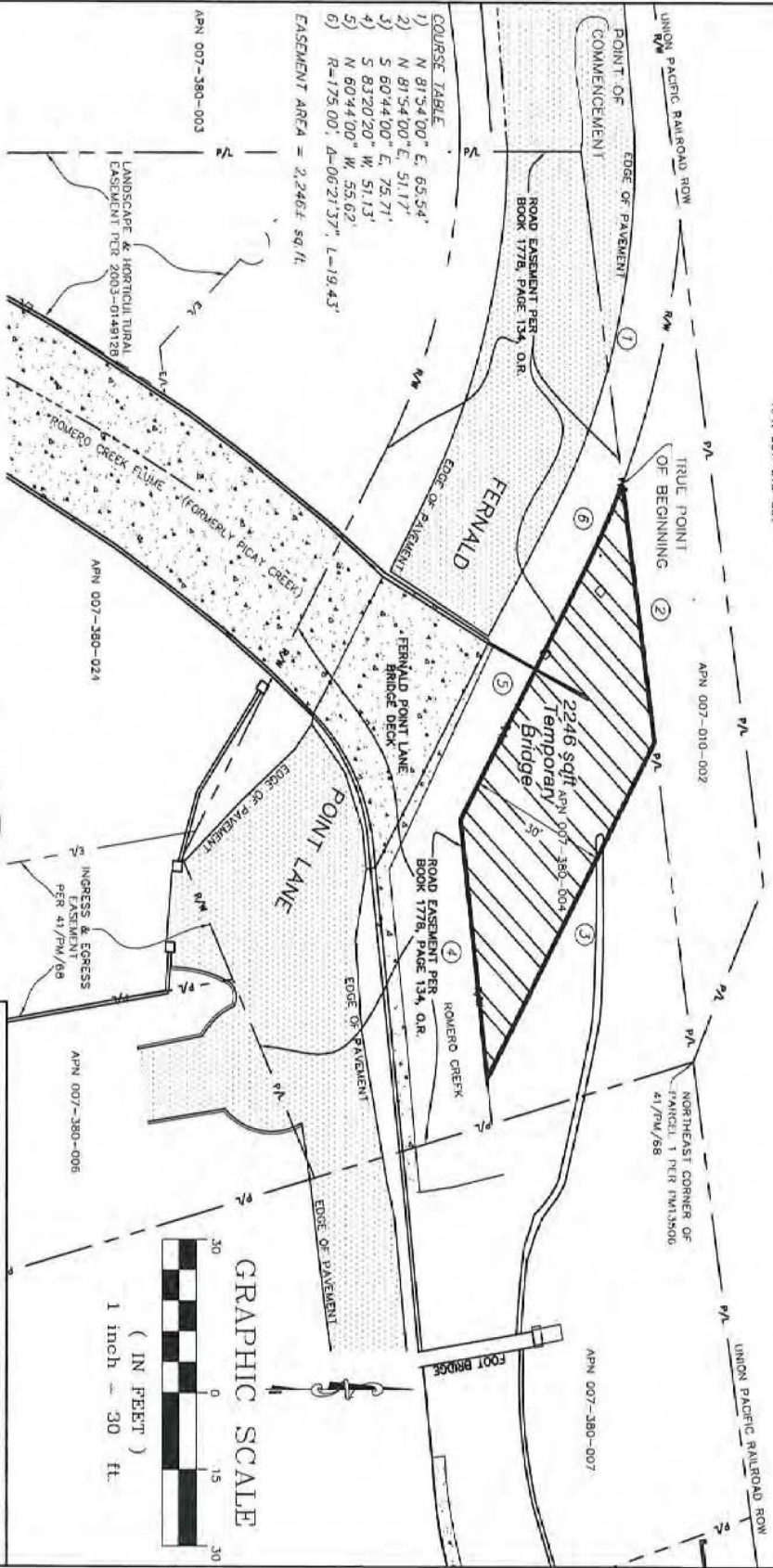
APN 007-010-001

Exhibit "B"

APN 007-010-002

NORTHEAST CORNER OF PARCEL 1 PER 1M13506 41/PM/58

APN 007-380-007



- COURSE TABLE**
- 1) N 81°34'00" E, 65.54'
 - 2) N 81°34'00" E, 51.17'
 - 3) S 60°44'00" E, 75.71'
 - 4) S 83°20'20" W, 51.13'
 - 5) N 60°44'00" W, 55.62'
 - 6) R=175.00', A=06°21'37", L=19.43'
- EASEMENT AREA = 2,246 sq. ft.**

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

E. Tenell Matlovsky

9/27/2018

E. TENELL MATLOVSKY DATE



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

TEMPORARY CONSTRUCTION EASEMENT
TEMPORARY BRIDGE
FERNALD POINT LANE

Portion of APN: 007-380-004
SANTA BARBARA COUNTY, CALIFORNIA
OCTOBER 2016

5957

A T T A C H M E N T “2”

PERMANENT EASEMENT **(NATIVE LANDSCAPING AND FISH PASSAGE)**

An easement for native landscape and fish passage (“easement”) for erosion control, riparian restoration and fish passage in the real property described in Exhibit A and depicted on Exhibit B attached hereto and incorporated herein. The area of the Easement is approximately 2,185 sq. ft.

The Easement will be used for the restoration and maintenance of Romero Creek as part of the Fernald Point Lane Bridge Replacement Project at Romero Creek # 862330, including erosion control and revegetation, riparian restoration, the safe passage of migratory aquatic wildlife, and will ensure that the migration within the low flow fish passage channel and notched rock weir will be protected and maintained in perpetuity by preventing any use that will impair or interfere with its purpose.

The Easement shall be monitored in accordance with California Fish and Game Code 1602, for the restoration of riparian vegetation and fish passage.

All other rights in the Easement not herein acquired shall be reserved to the owner including use rights that are not expressly prohibited herein and are not inconsistent with the purpose of the Easement.

Notwithstanding the foregoing, the following acts are expressly prohibited in the Easement:

- (a) The grading of land that would damage the vegetation, irrigation and fish passage facilities.
- (b) The physical removal of or damage to plants or other facilities installed as part of the restoration activities.
- (c) The physical removal of or damage to rest pools, notched rock weir or other facilities installed as part of the fish passage facility for migration of aquatic wildlife activities.
- (d) The placement of any materials, inert and/or organic, vegetation, or wildlife that may or will obstruct flow or operation of the fish passage facility.

State of California, Department of Fish & Wildlife, is an intended beneficiary of this Easement and shall have the right to enforce the conditions and restrictions imposed herein.

The Easement does not create a public street or highway.

Exhibit "A"

NATIVE LANDSCAPING AND FISH PASSAGE EASEMENT

APN: 007-380-004

LEGAL DESCRIPTION

That portion of Parcel 1 of Parcel Map No. 13,506 in the County of Santa Barbara, State of California, as per map recorded in book 41, Pages 68 and 69 of Parcel Maps in the office of the County Recorder of said County, described as follows:

COMMENCING at the northwest corner of said Parcel 1, thence;

- 1) North 81°54'00" East, along the northerly line of said Parcel 1, 180.00 feet, to the northeast corner thereof, thence;
- 2) Along the easterly line of said Parcel 1, South 15°17'30" East, 25.24 feet to the northerly face of the existing wall referred to in the "Wall Agreement" recorded in October 6th 1999, as instrument 1999-0081183, and the TRUE POINT OF BEGINNING, thence;
- 3) From said TRUE POINT OF BEGINNING, leaving said easterly line, along the northerly face of said wall the following six courses, North 77°00'52" West, 12.64 feet, to a non-tangent curve concave southwesterly, the radial center of which bears South 10°51'47" West, 25.33 feet, thence;
- 4) Northwesterly along the arc of said non-tangent curve, through a central angle of 08°26'53", an arc length of 6.00 feet to a non-tangent curve concave southerly, the radial center of which bears South 3°15'14" West, 271.27 feet, thence;
- 5) Westerly along the arc of said non-tangent curve, through a central angle of 03°16'14", an arc length of 15.48 feet to a non-tangent curve concave southerly, the radial center of which bears South 00°00'59" East, 559.66 feet, thence;
- 6) Westerly along the arc of said non-tangent curve, through a central angle of 00°37'11", an arc length of 6.05 feet to a tangent reverse curve concave northerly, the radial center of which bears North 00°38'10" West, 663.64 feet, thence;
- 7) Westerly along the arc of said tangent reverse curve, through a central angle of 00°34'09", an arc length of 6.59 feet, thence;
- 8) Non-tangent to the last described curve, North 88°39'29" West, 4.25 feet to the westerly end of the north face of said wall, thence;
- 9) Leaving said wall, South 88°35'32" West, 5.69 feet to a non-tangent curve concave southeasterly, the radial center of which bears South 00°40'46" East, 52.08 feet, thence;

- 10) Southwesterly along the arc of said non-tangent curve, through a central angle of 38°52'49", an arc length of 35.34 feet to a point on the northerly line of Fernald Point Lane as shown on said Parcel Map No. 13,506, thence;
- 11) Along said northerly line of Fernald Point Lane, South 60°44'00" East, 39.95 feet to an angle point in said northerly line of Fernald Point Lane, thence;
- 12) Continuing along said northerly line of Fernald Point Lane, North 83°20'20" East, 60.04 feet to the easterly line of said Parcel 1, thence;
- 13) Leaving said northerly line of Fernald Point Lane, along said easterly line, North 15°17'30" West, 21.30 feet, to the TRUE POINT OF BEGINNING.

End of Description

Containing 2185 square feet, more or less.

(See attached exhibit map made a part hereof)

This legal description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.

E. Teñell Matlovsky

E. Teñell Matlovsky, PLS 8629



9/27/2018

Date

APN 007-010-001

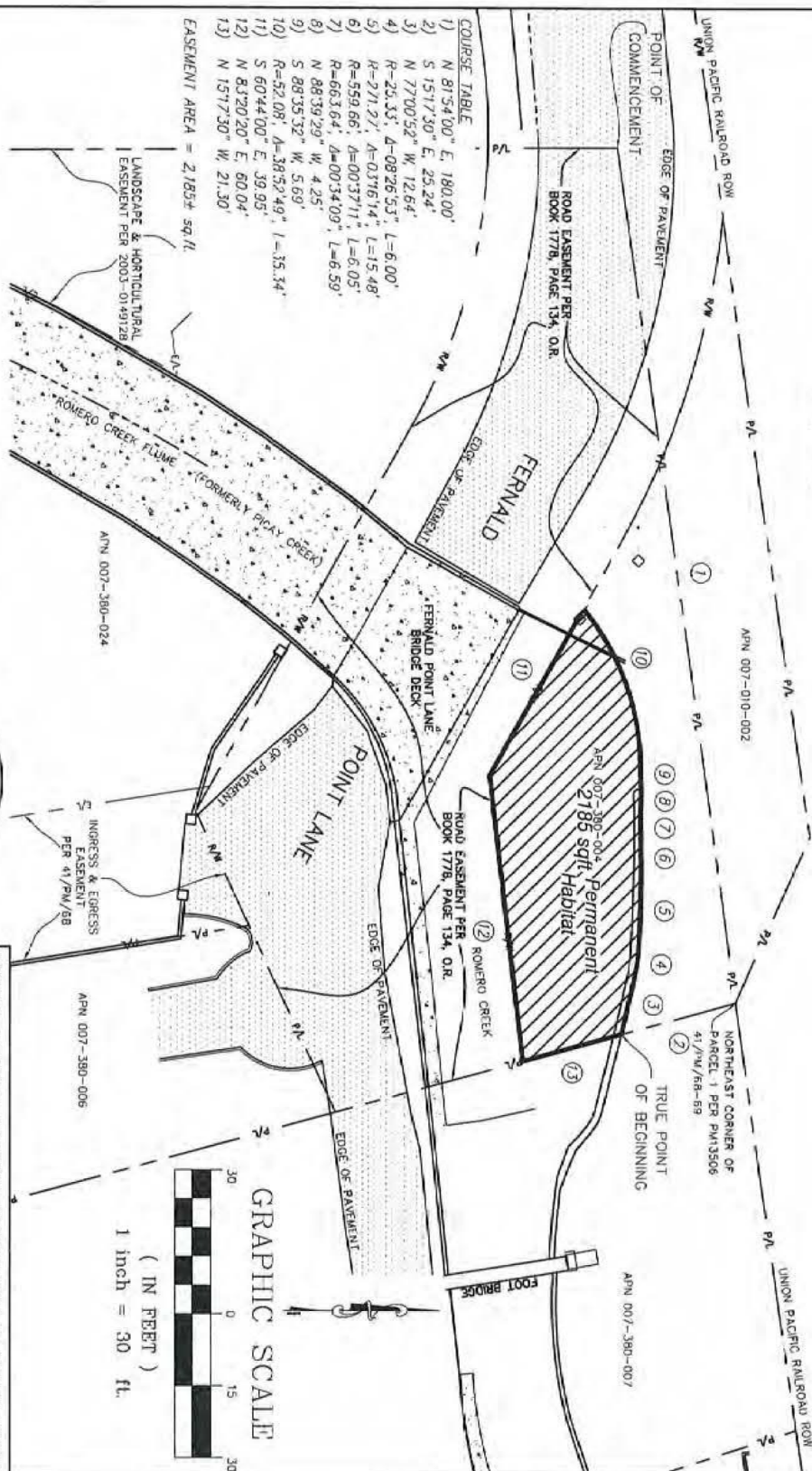
APN 007-010-002

APN 007-380-007

APN 007-380-006

APN 007-380-024

Exhibit "B"



- COURSE TABLE**
- 1) N 81°54'00" E, 180.00'
 - 2) S 15°17'30" E, 25.24'
 - 3) N 77°00'52" W, 12.64'
 - 4) R=25.33', Δ=08°26'53", L=6.00'
 - 5) R=271.27', Δ=03°16'14", L=15.48'
 - 6) R=559.66', Δ=00°37'11", L=6.05'
 - 7) R=663.64', Δ=00°34'09", L=6.59'
 - 8) N 88°39'29" W, 4.25'
 - 9) S 88°35'32" W, 5.69'
 - 10) R=52.08', Δ=38°52'49", L=35.34'
 - 11) S 60°44'00" E, 39.95'
 - 12) N 83°20'20" E, 60.04'
 - 13) N 15°17'30" W, 21.30'

EASEMENT AREA = 2,183± sq ft

LANDSCAPE & HORTICULTURAL EASEMENT PER 2003-0149128

ROMERO CREEK FLUME (FORMERLY PICAY CREEK)

FERNALD POINT LANE BRIDGE DECK

ROMERO CREEK

POINT LANE

PERMANENT 2,785 sqft Habitat

FOOT BRIDGE



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

**NATIVE LANDSCAPING AND FISH PASSAGE
 EASEMENT**

FERNALD POINT LANE
 Portion of APN: 007-380-004
 SANTA BARBARA COUNTY, CALIFORNIA
 OCTOBER 2016

S957



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

E. Terrell Matlovsky
 E. TENELL MATLOVSKY

9/27/2018
 DATE

ATTACHMENT “3”

PERMANENT NON-EXCLUSIVE ACCESS EASEMENT

A non-exclusive easement of the real property described in Exhibit A and depicted in Exhibit B (attached hereto and incorporated herein) to provide access for the Fernald Point Lane Bridge Replacement Project at Romero Creek # 862330. The non-exclusive easement contains approximately 1,719 sq. ft.

Owner shall retain the right to use the real property encumbered by this non-exclusive access easement in any manner that does not interfere with the access rights described herein.

This non-exclusive access easement does not create a public street or highway.

Exhibit "A"

ACCESS EASEMENT

APN 007-380-004

LEGAL DESCRIPTION

That portion of Parcel 1 of Parcel Map No. 13,506 in the County of Santa Barbara, State of California, as per map recorded in book 41, Pages 68 and 69 of Parcel Maps in the office of the County Recorder of said County, described as follows:

COMMENCING at the northwest corner of said Parcel 1, thence;

- 1) North 81°54'00" East, along the northerly line of said Parcel 1, 180.00 feet, to the northeast corner thereof, being the TRUE POINT OF BEGINNING, thence;
- 2) From said TRUE POINT OF BEGINNING, leaving said northerly line, along the easterly line of said Parcel 1, South 15°17'30" East, 25.24 feet to the northerly face of the existing wall referred to in the "Wall Agreement" recorded in October 6th 1999, as instrument 1999-0081183, thence;
- 3) Leaving said easterly line, along the northerly face of said wall the following six courses, North 77°00'52" West 12.64 feet, to a non-tangent curve concave to the Southwest, the radial center of which bears South 10°51'47" West, 25.33 feet, thence;
- 4) Northwesterly along the arc of said non-tangent curve, through a central angle of 08°26'53", an arc length of 6.00 feet to a non-tangent curve concave southerly, the radial center of which bears South 03°15'14" West, 271.27 feet, thence;
- 5) Westerly along the arc of said non-tangent curve, through a central angle of 03°16'14", an arc length of 15.48 feet to a non-tangent curve concave southerly, the radial center of which bears South 00°00'59" East, 559.66 feet, thence;
- 6) Westerly along the arc of said non-tangent curve, through a central angle of 00°37'11", an arc length of 6.05 feet to a tangent reverse curve concave northerly, the radial center of which bears North 00°38'10" West, 663.64 feet, thence;
- 7) Westerly along the arc of said tangent reverse curve, through a central angle of 00°34'09", an arc length of 6.59 feet, thence;
- 8) Non-tangent to the last described curve, North 88d39'29" West, 4.25 feet to the westerly end of the north face of said wall, thence;
- 9) Leaving said wall, South 88°35'32" West, 5.69 feet to a non-tangent curve concave southeasterly, the radial center of which bears South 00°40'46" East, 52.08 feet, thence;

- 10) Southwesterly along the arc of said non-tangent curve, through a central angle of 38°52'49", an arc length of 35.34 feet to a point on the northerly line of Fernald Point Lane as shown on said Parcel Map No. 13,506, thence;
- 11) Along said northerly line of Fernald Point Lane, North 60°44'00" West, 15.67 feet to a tangent curve concave southwesterly, the radial center of which bears South 29°16'00" West, 175 feet, thence;
- 12) Continuing along said northerly line of Fernald Point Lane, northwesterly along the arc of said tangent curve, through a central angle of 06°21'37", an arc length of 19.43 feet to a point on the northerly line of said Parcel 1, thence;
- 13) Along the northerly line of said Parcel 1, North 81°54'00" East, 114.46 feet, to the TRUE POINT OF BEGINNING.

End of Description

Containing 1719 square feet, more or less.

(See attached exhibit map made a part hereof)

This legal description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.

E. Teñell Matlovsky

E. Teñell Matlovsky, PLS 8629



9/27/2018

Date

APN 007-010-001

Exhibit "B"

APN 007-010-002

APN 007-380-004

APN 007-380-007

UNION PACIFIC RAILROAD ROW

TRUE POINT OF BEGINNING

UNION PACIFIC RAILROAD ROW

NORTHEAST CORNER OF PARCEL 1 PER PM13506 41/PM/88-69

POINT OF COMMENCEMENT

EDGE OF PAVEMENT

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ROAD EASEMENT PER BOOK 1778, PAGE 134, O.R.

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ROAD EASEMENT PER BOOK 1778, PAGE 134, O.R.

COURSE TABLE

- 1) N 81°54'00" E, 180.00'
- 2) S 151°7'30" E, 25.24'
- 3) N 77°00'52" W, 12.64'
- 4) R=23.33', Δ=08°26'53", L=6.00'
- 5) R=271.27', Δ=03°16'14", L=15.48'
- 6) R=559.66', Δ=00°37'11", L=6.05'
- 7) R=663.64', Δ=00°34'09", L=6.59'
- 8) N 88°39'29" W, 4.25'
- 9) S 88°35'32" W, 5.69'
- 10) R=52.08', Δ=38°52'49", L=35.34'
- 11) S 60°44'00" E, 39.95'
- 12) N 83°20'20" E, 60.04'
- 13) N 151°7'30" W, 21.30'

EASEMENT AREA = 1,719± sq. ft.

LANDSCAPE & HORTICULTURAL EASEMENT PER 2003-0149129

APN 007-380-024

INGRESS & EGRESS EASEMENT PER 41/PM/88

APN 007-380-006

ROMERO CREEK FLUME (FORMERLY PICAY CREEK)

ROMERO CREEK

ROMERO CREEK

ROMERO CREEK

ROMERO CREEK

ROMERO CREEK

COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS COUNTY SURVEYORS OFFICE

ACCESS EASEMENT

FERNALD POINT LANE

Portion of APN: 007-380-004

SANTA BARBARA COUNTY, CALIFORNIA

OCTOBER 2016

5957

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

E. Terrell Matlovsky

E. TENELL MATLOVSKY

9/27/2018

DATE



A T T A C H M E N T “4”

TEMPORARY CONSTRUCTION EASEMENT **(DRIVEWAY CONFORM & STORM DRAIN)**

A temporary construction easement (“TCE”) to enter upon and use the real property described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein for the construction of the Fernald Point Lane Bridge Replacement Project at Romero Creek # 862330 (“Project”).

The TCE contains approximately 951 sq.ft. and permits use and occupancy of the real property described in Exhibit A necessary for the purpose of constructing the Project. Vehicular and pedestrian access to the larger parcel from which the TCE is taken shall remain open to owner at all times. Project construction and TCE use will be completed so that access to and from the public system of streets and highways shall be maintained to the larger parcel containing the TCE throughout its term.

The Temporary Construction Easement shall be for a period of twenty-eight (28) consecutive months commencing on or about September 10, 2019 and terminating thereafter on, about or before December 31, 2021, or upon notification of the filing of a “Notice of Completion” or otherwise in writing by the County of Santa Barbara, if earlier.

The metes and bounds description, Exhibit “A” and depicted on Exhibit “B” of the TCE area is as follows:

Exhibit "A"

TEMPORARY CONSTRUCTION EASEMENT

DRIVEWAY CONFORM / STORM DRAIN

APN: 007-380-024

LEGAL DESCRIPTION

That portion of Parcel 1 of Parcel Map No. 13,506 in the County of Santa Barbara, State of California, as per map recorded in book 41, Pages 68 and 69 of Parcel Maps in the office of the County Recorder of said County, described as follows:

COMMENCING at the northwest corner of said Parcel 1, thence;

- 1) North 81°54'00" East, along the northerly line of said Parcel 1, 180.00 feet, to the northeast corner thereof, thence;
- 2) Leaving said northerly line of said Parcel 1, along the easterly line of said Parcel 1, South 15°17'30" East, 87.00 feet, to the southerly Right Of Way line of Fernald Point Lane as shown on said Parcel Map, thence;
- 3) Along said southeasterly Right Of Way line of said Fernald Point Lane, South 64°57'16" West, 42.89 feet, to an angle point on the easterly line of said Parcel 1 and the TRUE POINT OF BEGINNING, thence;
- 4) From said TRUE POINT OF BEGINNING, along an easterly line of said Parcel 1, South 09°02'47" East, 20.81 feet, to a point, said point being on a line 20 feet offset southeasterly from said southeasterly Right Of Way line of said Fernald Point Lane, thence;
- 5) Along said 20 foot offset line, South 64°57'16" West, 18.54 feet, to a point, said point being on a line 10 feet offset southwesterly from the southwesterly Right Of Way line of said Fernald Point Lane, thence;
- 6) Along said 10 foot offset line, North 60°44'00" West, 59.75 feet, to a point on the easterly face of the westerly concrete wall of Romero Creek (formerly Picay Creek as of October 13, 2016), thence;
- 7) The following two courses, along said concrete wall of said Romero Creek, North 38°04'09" East, 7.38 feet, thence;
- 8) North 40°13'21" East, 2.76 feet, to the southwesterly Right Of Way line of Fernald Point Lane, as shown on said Parcel Map, thence;
- 9) Leaving said concrete wall of Romero Creek, along said southwesterly Right Of Way line of Fernald Point Lane, South 60°44'00" East, 40.66 feet, to an angle point in said southwesterly Right Of Way line of Fernald Point Lane, thence;

10) Along the southeasterly Right Of Way line of said Fernald Point Lane, North 64°57'16" East, 26.33 feet, to the TRUE POINT OF BEGINNING.

End of Description

Containing 951 square feet, more or less.

(See attached exhibit map made a part hereof)

This legal description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.

E. Teñell Matlovsky

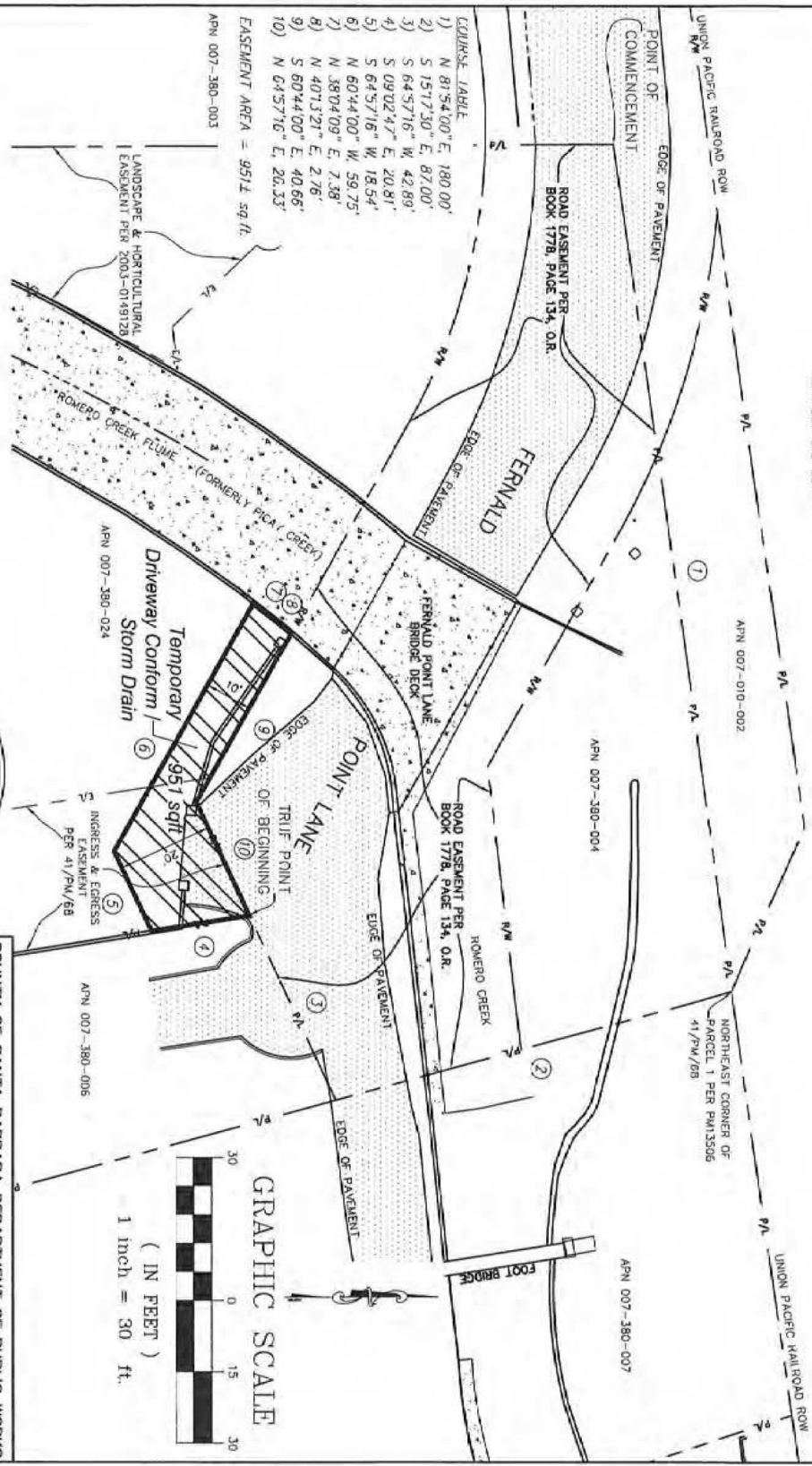
E. Teñell Matlovsky, PLS 8629



9/27/2018

Date

Exhibit "B"



- COURSE TABLE**
- 1) N 81°54'00" E, 180.00'
 - 2) S 15°17'30" E, 87.00'
 - 3) S 64°57'16" W, 42.89'
 - 4) S 09°02'47" E, 20.81'
 - 5) S 64°57'16" W, 18.54'
 - 6) N 60°44'00" W, 59.75'
 - 7) N 38°04'09" E, 7.38'
 - 8) N 40°13'21" E, 2.76'
 - 9) S 60°44'00" E, 40.66'
 - 10) N 64°57'16" E, 26.33'

EASEMENT AREA = 951.1 sq ft.

APN 007-380-003

LANDSCAPE & HORTICULTURAL EASEMENT PER 2003-0149128

APN 007-380-024

INGRESS & EGRESS EASEMENT PER 41/PW/05

APN 007-380-005



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

E. Tenell Matlovsky

DATE 9/27/2018

E. TENELL MATLOVSKY



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

TEMPORARY CONSTRUCTION EASEMENT
DRIVEWAY CONFORM / STORM DRAIN
FERNALD POINT LANE

Portion of APN: 007-380-024
SANTA BARBARA COUNTY, CALIFORNIA
OCTOBER 2016

5957

