



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Flood Control and
Water Conservation
District
Department No.: 054
For Agenda Of: June 2, 2015
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Directors, Flood Control and Water Conservation District
FROM: Department Matthew P. Pontes, General Services 560-1011
Director(s): Scott McGolpin, Public Works 568-3010
Contact Info: Greg Chanis, Assistant Director of General Services 568-3096
Tom Fayram, Assistant Director of Public Works 568-3436
SUBJECT: Lower Mission Creek Flood Control Project; Reach 1B Easements County Project
No. SC8042, Second District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute the attached original and duplicate original Real Property Settlement Agreement and Escrow Instructions (Attachment 1) between the Santa Barbara County Flood Control and Water Conservation District ("District"), and Jonathan and Cassandria Blackmore ("Blackmores"), for a permanent easement on a portion of the Blackmore Property, located at 112 Chapala Street, in Santa Barbara, (County Assessor Parcel Number 033-074-009), in connection with the Lower Mission Creek Flood Control Project; Reach 1B, County Project No. SC8042 (the "Project"); and
- b) Approve and authorize the Director of Public Works to execute the attached Temporary Construction Easement (Attachment 2) between the District and the Blackmores related to the use of the temporary construction easement for the duration of the Project on a portion of the Blackmore Property, in connection with the Lower Mission Creek Flood Control Project; Reach 1B, County Project No. SC8042; and
- c) Accept the attached Easement Deed (Attachment 3) conveying an easement from the Blackmores to the District over a portion of the Blackmore Property, by authorizing the Clerk of the Board to execute the Certificate of Acceptance attached thereto; and

- d) Approve and authorize the Chair to execute the attached Easement Deed (Attachment 4), conveying an easement from the District to the Blackmores, over a portion of the District-owned property known as County Assessor Parcel Number 033-074-020, which is adjacent to the Blackmore Property; and
- e) Find that pursuant to the California Environmental Quality Act (CEQA) 14 CCR Section 15162, no new effects will occur and no new mitigation measures would be required as a result of the recommended actions because there are no substantial changes proposed, no substantial changes in circumstances, and no new information of substantial importance regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures, and therefore the recommended actions are within the scope of the project covered by the Environmental Initial Study/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project as well as the Findings, and Statement of Overriding Considerations approved by the Board of Directors as a Responsible Agency on May 10, 2011, and no subsequent environmental document is required. The Findings, Statement of Overriding Considerations, the EIS/EIR, and the associated information can be found at:
<http://santabarbara.legistar.com/LegislationDetail.aspx?ID=874496&GUID=D14C4C9B-DEDF-48CB-AB30-D52A228FB5A2>

Summary Text:

In furtherance of the Project, staff recommends the Board accept a permanent easement and a temporary construction easement conveyed to the District by the Blackmores. Staff also recommends the Board grant an easement to the Blackmores over a portion of the adjacent District-owned flood control easement property (County Assessor Parcel Number 033-074-020), which is unused, land-locked, vacant and no longer necessary for any present or future permanent public use by the District, in exchange for the permanent easement and temporary construction easement being conveyed from the Blackmores to the District. See attached Exhibits A and B for vicinity and location maps.

Background:

The Lower Mission Creek Flood Control Project (“Project”) is a federal U.S. Army Corps of Engineers (“Corps”) project that has been under study and development since the 1960’s. The City of Santa Barbara and the County worked with a community consensus group in the 1990’s to develop the current project which focuses on both flood control and environmental issues. The Corps completed the Feasibility Study over 10 years ago, but was delayed in receiving adequate funding for design and construction. Since that time, the City of Santa Barbara (City) and County have been constructing elements of the Project as funding has become available.

On March 2, 2010, the District authorized negotiations for the purchase of fee simple interests in several private parcels, and acquisition of both permanent and temporary construction easements for all phases of the Project. In accordance with Government Code Section 65402, the Project was determined by the City of Santa Barbara Planning Commission to be in conformity with the City’s adopted 2007 General Plan, as revised in 2012. The Environmental Initial Study/Environmental Impact Report for the Project was certified by the City’s Planning Commission on June 28, 2001. Since that time County staff has

been working with the City staff and private property owners to acquire the property rights necessary to commence construction of certain aspects of the Project.

A portion of the Project, "Reach 1B", is located between Yanonali Street and Mason Street. Construction of the Project along the Blackmore frontage will be scheduled to coincide with the City of Santa Barbara's Mason Street Bridge Project. Upon completion of the Project, the rear portion of the District's property known as Assessor Parcel Number 033-074-020, which is adjacent to the rear portion of Assessor Parcel Number 033-074-009 that abuts Chapala Street, becomes an uneconomic, land-locked remnant for the District. That portion of the vacant parcel is not currently being used or maintained by the District for flood control purposes, nor will it be used or maintained in the future.

California Government Code section 25365 authorizes the exchange of real property of equal value where the real property to be exchanged is not needed for county use, and the property to be acquired is required for county use, provided that such exchange is approved by four-fifths (4/5) vote by the Board of Directors of the District. In this case, it has been determined that the rear portion of the District's property known as Assessor Parcel Number 033-074-020, is of equal value to that portion of the Blackmore Property that is being acquired as a permanent easement, combined with the value of the temporary construction easement. Acquisition of a permanent easement across the Blackmore Property is required to support the completed Project, and the District's use of the temporary construction easement is required to complete construction of the project.

Execution of this Real Property Agreement, the Temporary Construction Easement and the Easement Deeds is in accordance with the California Environmental Quality Act (CEQA), Section 15162. Under this section, when a new project does not exceed the scope of a previously conducted Environmental Initial Study/Environmental Impact Report (EIS/EIR), no subsequent environmental document is required. Here, no substantial changes are proposed in the project and no substantial changes will occur with respect to the circumstances under which the project is undertaken. Furthermore, no new information of substantial importance has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures. Consequently, the easement acquisitions and the easement conveyance are within the scope of the project covered by the Environmental Initial Study/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project identified in Recommendation "e" above, as well as the Findings, and Statement of Overriding Considerations approved by the Board of Directors as a Responsible Agency on May 10, 2011. Therefore, no subsequent environmental document is required.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The easement exchange between the District and the Blackmores will be at no cost to the District. Costs for this the Project were included in the Adopted 14-15 budget under the Water Resources Division of the Public Works Department as shown on page D-178 in the budget book. This project is also included in the Capital Improvement Program on page B-136. No General Fund monies will be utilized for this project.

Special Instructions:

After Board action, distribute as follows:

1. Original Real Property Settlement Agreement and Escrow Instructions, Copy of Temporary Construction Easement, Copies of Easement Deeds
Clerk of the Board Files
2. Duplicate Original Real Property Settlement Agreement and Escrow Instructions, Temporary Construction Easement, Easement Deeds, and Minute Order
Real Property, Attn: James Cleary
3. Copies of documents and Minute Order
Auditor-Controller,
Financial Reporting Division,
Attn: Betsy Schaffer

Note: Upon recordation, Real Property will return copies of the recorded Easement Deeds to the Clerk for file and reference.

Exhibits:

Lower Mission Creek Vicinity Map (Exhibit A)
Permanent and Temporary Easements Map (Exhibit B)

Attachments:

- 1) Real Property Settlement Agreement and Escrow Instructions
- 2) Temporary Construction Easement
- 3) Easement Deed (Blackmores to District)
- 4) Easement Deed (District to Blackmores)

Authored by: JC, General Services/Real Property

cc: Jon Frye; Public Works Flood Control

Exhibit A

LOWER MISSION CREEK VICINITY MAP

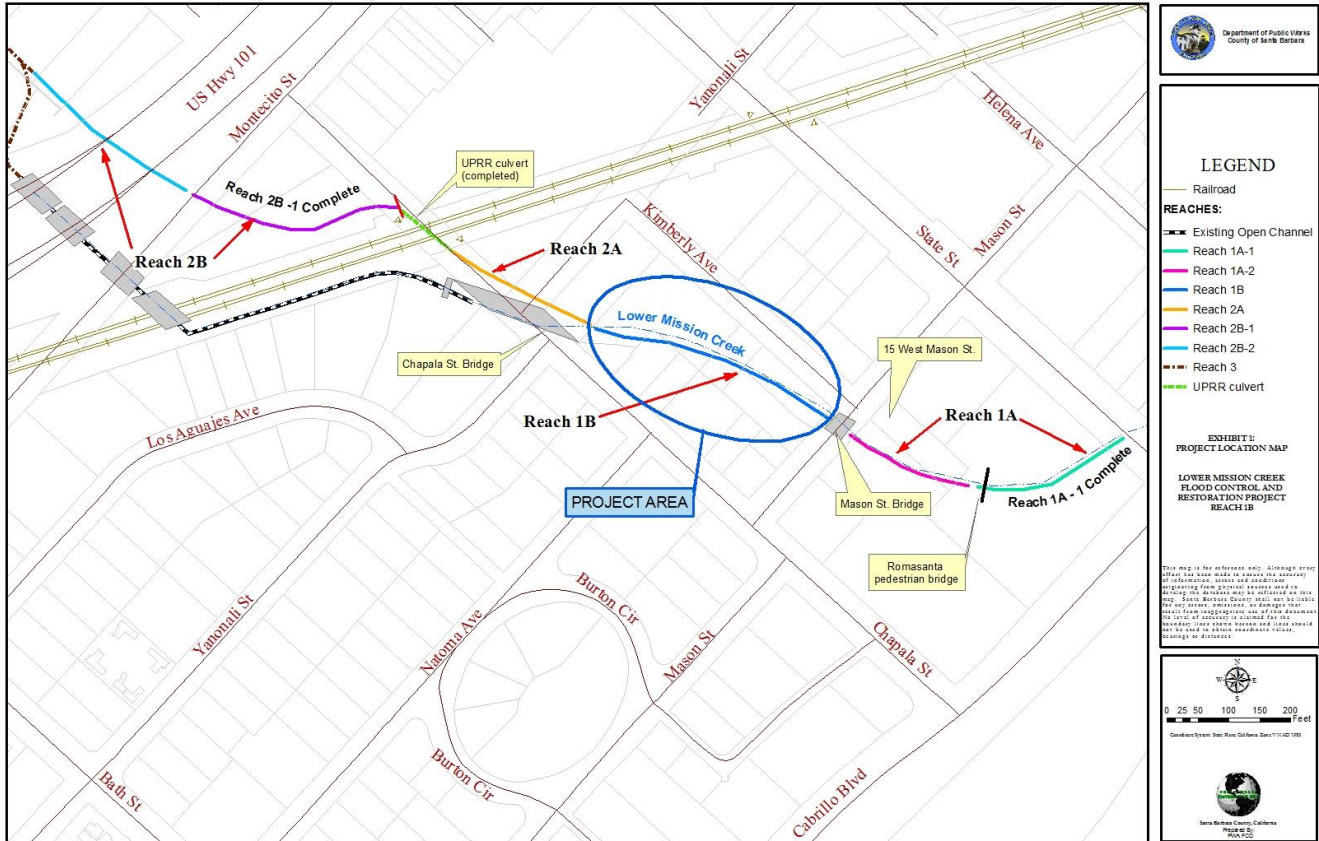


Exhibit B

