



**BOARD OF SUPERVISORS  
AGENDA LETTER**

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

**Agenda Number:**  
**Department Name:** General Services/  
Public Works  
**Department No.:** 063/054  
**For Agenda Of:** December 12, 2023  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** 3/5

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**TO:** Board of Directors, Flood Control and Water Conservation District  
**FROM:** General Services Kirk Lagerquist, Director of General Services, (805) 560-1011  
Public Works Scott D. McGolpin, Director of Public Works, (805) 568-3010  
  
Contact Info: Skip Grey, Assistant Director, General Services  
(805) 568-3083  
Walter Rubalcava, Deputy Director – Water Resources  
(805) 568-3436  
  
**SUBJECT: Grant of Easements for Lower Mission Creek Improvement and Restoration  
Project, Reach 4 Acquisition (Assessor Parcel No. 037-203-021 and 037-203-  
020); First Supervisorial District (RP File #003988)**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: **Risk Manager**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Directors:

- a) Approve and authorize the Chair to execute an original Real Property Purchase Agreement between the Santa Barbara County Flood Control and Water Conservation District (District), and Alexander Kenneth Harrison (Owner), for the purchase of a permanent easement and temporary construction easement, on a portion of real property located at 430 De La Vina Street (County Assessor Parcel Number: 037-203-021), for a total cost not to exceed \$245,000.00, in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 4 District Project No. SC8042 (First District);

- b) Approve and authorize the Chair to execute an original Real Property Purchase Agreement between the Santa Barbara County Flood Control and Water Conservation District (District), and Joan Hollis Ross and Robert David Ross, Trustees of The Ross Family Trust dated March 15, 2023 (Owner 2), for the purchase of a permanent easement and temporary construction easement, on a portion of real property located at 428 De La Vina Street (County Assessor Parcel Number: 037-203-020), for a total cost not to exceed \$186,605.00, in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 4 District Project No. SC8042 (First District);
- c) Authorize the Chair to accept all referenced temporary construction easements and Certificates of Acceptance for both permanent easements, conveying easement interests in the real property located at 430 and 428 De La Vina Street, to the District and authorize the Clerk of the Board to sign the Certificates of Acceptance attached thereto;
- d) Authorize the Director of Public Works, or his designee, to execute any other supporting documents to complete these transactions; and
- e) After considering the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project, the Findings and Statement of Overriding Considerations accepted by the Board of Directors as a Responsible Agency on May 10, 2011, and the discussion included herein, find that pursuant to California Environmental Quality Act (CEQA) 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 the recommended actions are within the scope of the project covered by the aforementioned environmental documents and no new environmental document is required. The findings, statement of overriding consideration, EIS/EIR and associated information can be found at:

<http://santabarbara.legistar.com/LegislationDetail.aspx?ID=874496&GUID=D14C4C9B-DEDF-48CB-AB30-D52A228FB5A2>.

**Summary Text:**

Acquisition from Alexander Kenneth Harrison (Owner 1), for the purchase of a permanent easement and temporary easement (Exhibits 1 and 2) on a portion of real property located at 430 De La Vina Street (County Assessor Parcel Number: 037-203-021), for a total cost not to exceed \$245,000.00, in connection with the Lower Mission Creek Improvement and Restoration Project.

Acquisition from Joan Hollis Ross and Robert David Ross, Trustees of The Ross Family Trust dated March 15, 2023 (Owner 2), for the purchase of a permanent easement and temporary construction easement (Exhibits 3 and 4), on a portion of real property located at 428 De La Vina Street (County Assessor Parcel Number: 037-203-020), for a total cost not to exceed \$186,605.00, in connection with the Lower Mission Creek Improvement and Restoration Project.

The recommended actions include approval and authority to execute Real Property Purchase Agreements and Certificates of Acceptance for the following two properties in connection with the Lower Mission Creek Improvement and Restoration Project:

1. Acquisition from Alexander Kenneth Harrison (Owner 1), for the purchase of a permanent easement and temporary easement on a portion of real property located at 430 De La Vina Street (County Assessor Parcel Number: 037-203-021), for a total cost not to exceed \$245,000.00.
2. Acquisition from Joan Hollis Ross and Robert David Ross, Trustees of The Ross Family Trust dated March 15, 2023 (Owner 2), for the purchase of a permanent easement and temporary construction easement (Exhibits 3 and 4), on a portion of real property located at 428 De La Vina Street (County Assessor Parcel Number: 037-203-020), for a total cost not to exceed \$186,605.00.

**Background:**

Over the past several years the Flood Control and Water Conservation District Board of Directors has heard and approved a number of items relating to the Lower Mission Creek Flood Control Project (“Project”). The acquisition of real property and interests therein has been required prior to commencing construction of Project-related flood control improvements. The 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 District 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 20 years ago but, has been slow to get adequate funding for design and construction. Since that time, the City and District have been working on finding opportunities to construct elements of the Project as funding options arise.

On March 2, 2010, the Board of Directors authorized negotiations for the purchase of fee simple interests in several private parcels and the acquisition of both permanent and temporary construction easements for all Reaches and phases of the Project. County and District staff have been working with the City and private owners to prepare Reaches for construction.

Pursuant to Government Code Section 65402, the Project was determined to be in conformity with Santa Barbara City’s adopted General Plan in 2007 and with its revised General Plan in 2012. The Environmental Initial Study/Environmental Impact Report for the Project was certified by the City of Santa Barbara Planning Commission on June 28, 2001.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
South Coast Flood Zone			\$ 431,605.00
FEMA HMGP			\$ -
Other:			
Total	\$ -	\$ -	\$ 431,605.00

**Narrative:**

Costs associated with acquisition of these easements were included in the FY 2023-24 adopted budget under the Water Resources Division of the Public Works Department as shown on page D-331 of the budget book. No General Fund monies were utilized for this project.

**Staffing Impacts:**

None

**Special Instructions:**

After Board action, Chair will execute and Clerk will sign before a notary public, the Grant of Easements (Deeds) granted by Alexander Kenneth Harrison (Owner 1), and Joan Hollis Ross and Robert David Ross, Trustees of The Ross Family Trust dated March 15, 2023 (Owner 2).

Clerk will also sign the attached Certificates of Acceptance.

Real Estate Division to coordinate notary public and Clerk of the Board will distribute as follows:

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|---|---|
| <ol style="list-style-type: none"> <li>1. Original Real Property Purchase Agreement, Grant of Easement Deed, Original Certificate of Acceptance and Minute Order</li> </ol> | General Services<br>Real Estate Services Division<br>Attn: Carlo Achdjian |
| <ol style="list-style-type: none"> <li>2. Copies of documents and Minute Order</li> </ol>   | Public Works,<br>Flood Control District Office<br>Attn: Christina Lopez   |

Note: Upon full execution of the Grant of Easement (Attachment A), one original will be presented to the Clerk of the Board for County’s retention in the record.

**Attachments:**

1. Attachment A-Real Property Purchase Agreement (Owner 1)  
 Easement Deed (Owner 1)  
 Certificate of Acceptance (Owner 1)
2. Attachment B-Real Property Purchase Agreement (Owner 2)  
 Easement Deed (Owner 2)  
 Certificate of Acceptance (Owner 2)

**Authored by:**

Carlo Achdjian, Real Estate Services Division of General Services