



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
Department No.: 054
For Agenda Of: May 21, 2013
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District

FROM: Department Scott D. McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: Execution of Quitclaim and Termination Agreement, regarding the rights granted via Instrument No. 80-51184 recorded on December 10, 1980, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute the "Quitclaim and Termination Agreement" releasing all right, title and interest granted to the Santa Barbara County Flood Control District via the "Deed; Covenants Running With the Land; and Lien" recorded as Instrument No. 80-51184 on December 10, 1980; and
- b) Find that the recommended approval and authorization falls under the category of organizational or administrative activities that will not result in direct or indirect physical changes in the environment and does not constitute a "Project" within the meaning of the California Environmental Quality Act (CEQA) 14 CCR 15378 (b)(5).

Summary Text:

If executed and recorded the Quitclaim and Termination Agreement will release all right, title and interest granted to the Flood Control District via the "Deed; Covenants Running With the Land; and

Lien" recorded as Instrument No. 80-51184 on December 10, 1980 (the "Agreement"). The owners of the land burdened by the Agreement requested this Quitclaim and District staff has no objections.

Background:

In the late 1970's, Tract 25,032 (the "Project") was proposed in the City of Carpinteria. As a condition of the Project the applicant was required to build a groundwater recharge basin and deed the basin to the Santa Barbara County Flood Control District. Although the Agreement between the District and the property owners was signed and recorded on December 10, 1980, the Project was never constructed.

Subsequently, a new project was proposed, approved and built on the land burdened by the Agreement. Conditions of that new project were simply to build a storm water retention basin to slow runoff. The subject property was developed, including the installation of a privately held and operated retention basin (the "Private Basin") which is currently in operation. The property owner is requesting termination of the Agreement as they have recently encountered problems with the sale of the properties burdened by Agreement. The Private Basin functions well under current conditions. The Flood Control District has no interest in owning and operating that Private Basin, or exercising any of the rights granted in the 1980 Agreement. District staff recommends execution of the subject Quitclaim and Termination Agreement which has been approved by the owners of the subject property.

On April 1, 2013, the Carpinteria City Planning Commission determined that the proposed execution of the Quitclaim and Termination Agreement by the District is in conformity with the City's adopted General Plan in accordance with Government Code 65402.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Narrative:

There are no fiscal impacts to the County associated with these recommendations.

Special Instructions:

Direct the Clerk of the Board to send the Quitclaim and Termination Agreement to the Clerk Recorder's Office to be recorded. After the Agreement has been recorded send a copy of the recorded agreement along with the minute order to the Flood Control District, Attn: Christina Lopez and Jeff Havlik.

Attachments:

Quitclaim and Termination Agreement

Authored by: Thomas Fayram, Deputy Public Works Director, 568-3436