

Project: Mission Canyon Sewer/Johnson  
A.P.N.: 023-091-020  
Folio: 002216  
Agent: DG

## **EASEMENT PURCHASE CONTRACT**

**THIS EASEMENT PURCHASE CONTRACT** (the "Contract") is made and entered into by and between Craig G. Johnson and Judy C. Johnson, husband and wife, ("OWNERS"), and the County of Santa Barbara, a political subdivision of the State of California ("COUNTY"), with reference to the following:

**WHEREAS**, OWNERS are the owners of the property located at 2822 Ben Lomond Drive, in the Mission Canyon area of the County of Santa Barbara, State of California, commonly identified as Santa Barbara County Assessor's Parcel Number 023-091-020, (the "Property"); and

**WHEREAS**, COUNTY has constructed a sewer lift station on the Property and desires to purchase a permanent easement consisting of approximately 177 square feet, as described on Exhibit "A", and shown on Exhibit "B", both of which are attached hereto and incorporated herein by reference (the "Easement"), on the Property, for the purpose of operating and maintaining the sewer lift station and all appurtenances incidental thereto, in perpetuity.

**NOW THEREFORE**, in consideration of the covenants and conditions contained herein, COUNTY agrees to purchase from OWNERS and OWNERS agree to sell to COUNTY, the Easement, subject to the following:

1. The purchase price for the Easement shall be FIVE THOUSAND DOLLARS (\$5,000.00). In addition to the purchase price, COUNTY shall reimburse OWNERS SEVEN HUNDRED FIFTY DOLLARS (\$750.00) for attorney fees.

2 Within ten (10) days of final execution of this Contract by COUNTY, COUNTY shall return a duplicate original of this Contract to OWNERS, record the Easement Deed, a copy of which is attached hereto as Exhibit "C", concurrently with a Certificate of Acceptance executed by COUNTY, in substantially the same form as that which is attached hereto as Exhibit "D", and pay OWNERS the purchase price plus reimbursement for OWNERS' attorney fees for a total payment of FIVE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$5,750.00).

3. All notice, documents, correspondence, and communications concerning this transaction shall be addressed as set forth below or as either party may hereafter designate by written notice and shall be sent through the United States mail or by personal delivery and any such notice so given shall be deemed to have been given upon actual receipt.

**IF TO COUNTY:** Don Grady, Real Estate Services  
General Service Department  
County of Santa Barbara  
1105 Santa Barbara Street  
Santa Barbara, CA 93101  
Facsimile: (805) 568-3249

**With a copy to:** Kevin Ready, County Counsel  
County of Santa Barbara  
105 East Anapamu Street, Room 201  
Santa Barbara, CA 93101  
Facsimile: (805) 568-2982

**IF TO OWNERS:** Craig and Judy Johnson  
2822 Ben Lomond Drive  
Santa Barbara, CA 93105

4. By executing this Contract, OWNERS do hereby certify and warrant that they are, collectively, the sole owners of the Property and have full right, power and legal authority to execute this Contract and the subject Easement Deed attached hereto as Exhibit C. OWNERS have communicated the contents, rights and duties contained herein to all parties having any interest in the Property.

5. This Contract contains the entire agreement between the parties relating to the agreement to purchase and sell the Easement described herein and supersedes all prior agreements, understandings, negotiations, and discussions of the parties, whether expressed or implied, and there are no warranties, representations, covenants, or other agreements between the parties in connection with the subject matter hereof, except as specifically set forth herein. OWNERS agree that performance of this Contract constitutes the entire consideration for the Easement. No amendment, supplement, modification, waiver, or termination of this Contract shall be binding unless executed in writing by both parties.

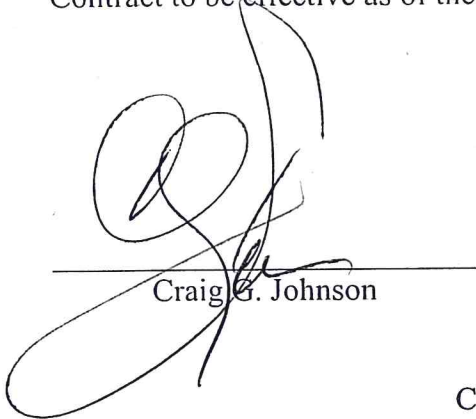
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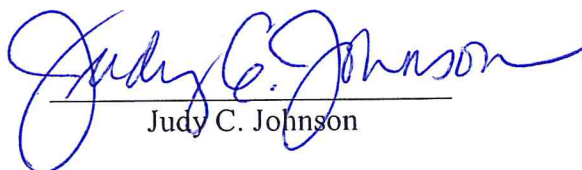
Project: Mission Canyon Sewer/Johnson  
A.P.N.: 023-091-020  
Folio: 002216  
Agent: DG

IN WITNESS WHEREOF, OWNERS and COUNTY have executed this Easement Purchase Contract to be effective as of the date executed by COUNTY.

**OWNERS**

CRAIG and JUDY JOHNSON  
Husband and Wife

  
\_\_\_\_\_  
Craig G. Johnson

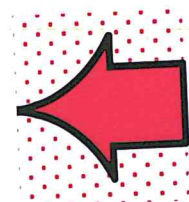
  
\_\_\_\_\_  
Judy C. Johnson

**COUNTY**

COUNTY OF SANTA BARBARA  
a Political Subdivision of the State of California

ATTEST:  
CHANDRA L. WALLAR  
CLERK OF THE BOARD

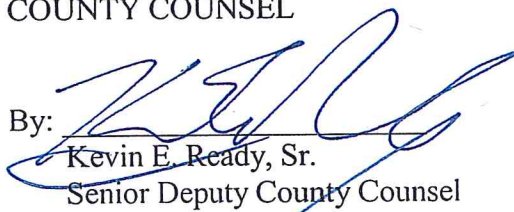
By: \_\_\_\_\_  
Doreen Farr, Chair  
Board of Supervisors



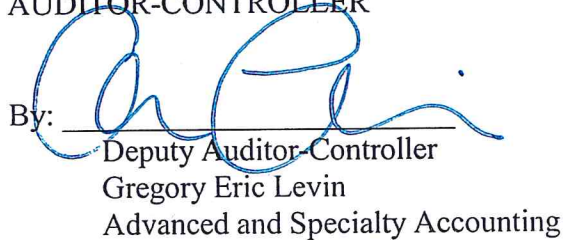
By: \_\_\_\_\_  
Deputy

Date: \_\_\_\_\_

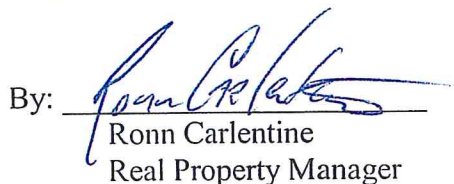
APPROVED AS TO FORM:  
DENNIS A. MARSHALL  
COUNTY COUNSEL

By:   
\_\_\_\_\_  
Kevin E. Ready, Sr.  
Senior Deputy County Counsel

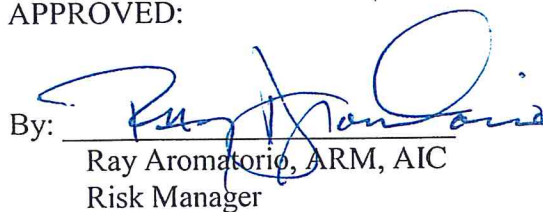
APPROVED AS TO ACCOUNTING FORM:  
ROBERT W. GEIS, CPA  
AUDITOR-CONTROLLER

By:   
\_\_\_\_\_  
Deputy Auditor-Controller  
Gregory Eric Levin  
Advanced and Specialty Accounting

APPROVED:

By:   
\_\_\_\_\_  
Ronn Carlentine  
Real Property Manager

APPROVED:

By:   
\_\_\_\_\_  
Ray Aromatorio, ARM, AIC  
Risk Manager

*alligned*

Exhibit A

Legal Description

That portion of the land in the County of Santa Barbara, State of California, as described in the deed to Craig G. Johnson and Judy C. Johnson, recorded in the office of the County Recorder of said County September 28, 2001 as Instrument No. 2001-0083390 of Official Records, described as follows:

Commencing at the northwest corner of said Johnson parcel, being a point in the centerline of Vista Elevada, a public street, 40.00 feet wide, and shown on the map filed in the office of said County Recorder in Book 87, Page 11 of Record of Surveys, at the southeasterly terminus of that certain course shown as having a bearing and distance of "South 70°32'40" East, 67.92 feet"; thence, along the westerly line of said parcel, South 08°29'40" East, 22.65 feet to the southwesterly line of Vista Elevada and the True Point of Beginning;

Thence, 1st, along said southwesterly line, South 70°31'22" East, 26.07 feet;

Thence, 2nd, South 68°55'44" West, 14.74 feet;

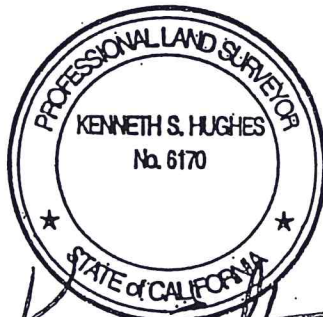
Thence, 3rd, North 76°39'04" West, 9.30 feet to said westerly line of said Johnson parcel;

Thence, 4th, along said line, North 08°29'40" West, 11.97 feet to the True Point of Beginning.

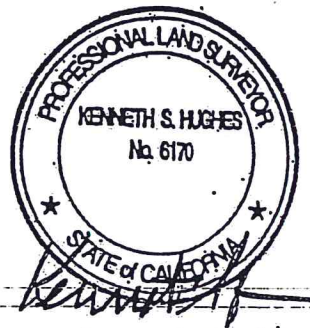
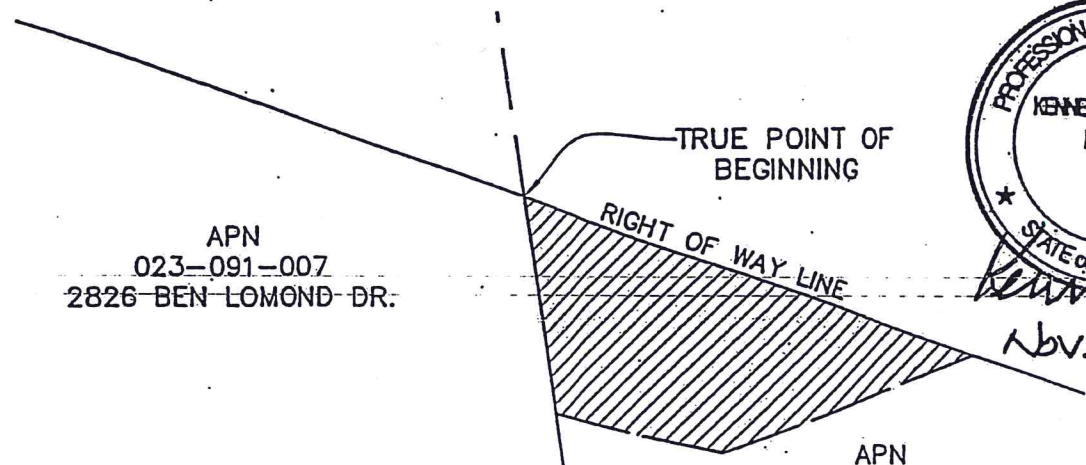
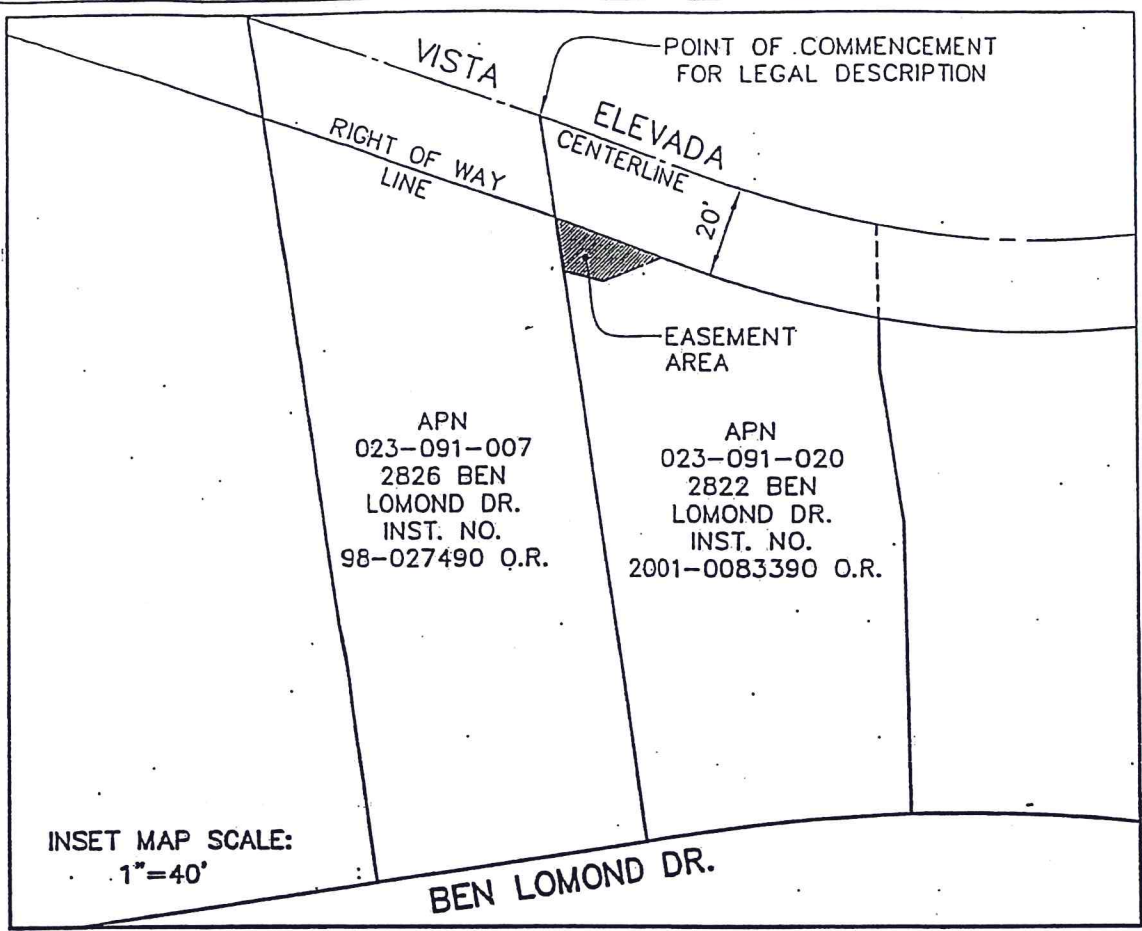
Containing 177 square feet, more or less.

Prepared by:

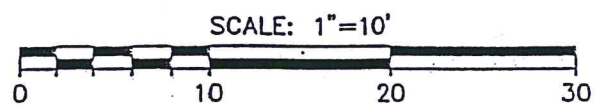
Kenneth S. Hughes  
PLS 6170  
License expiration  
date: 3/31/12



Nov. 16, 2011



Nov. 16, 2011



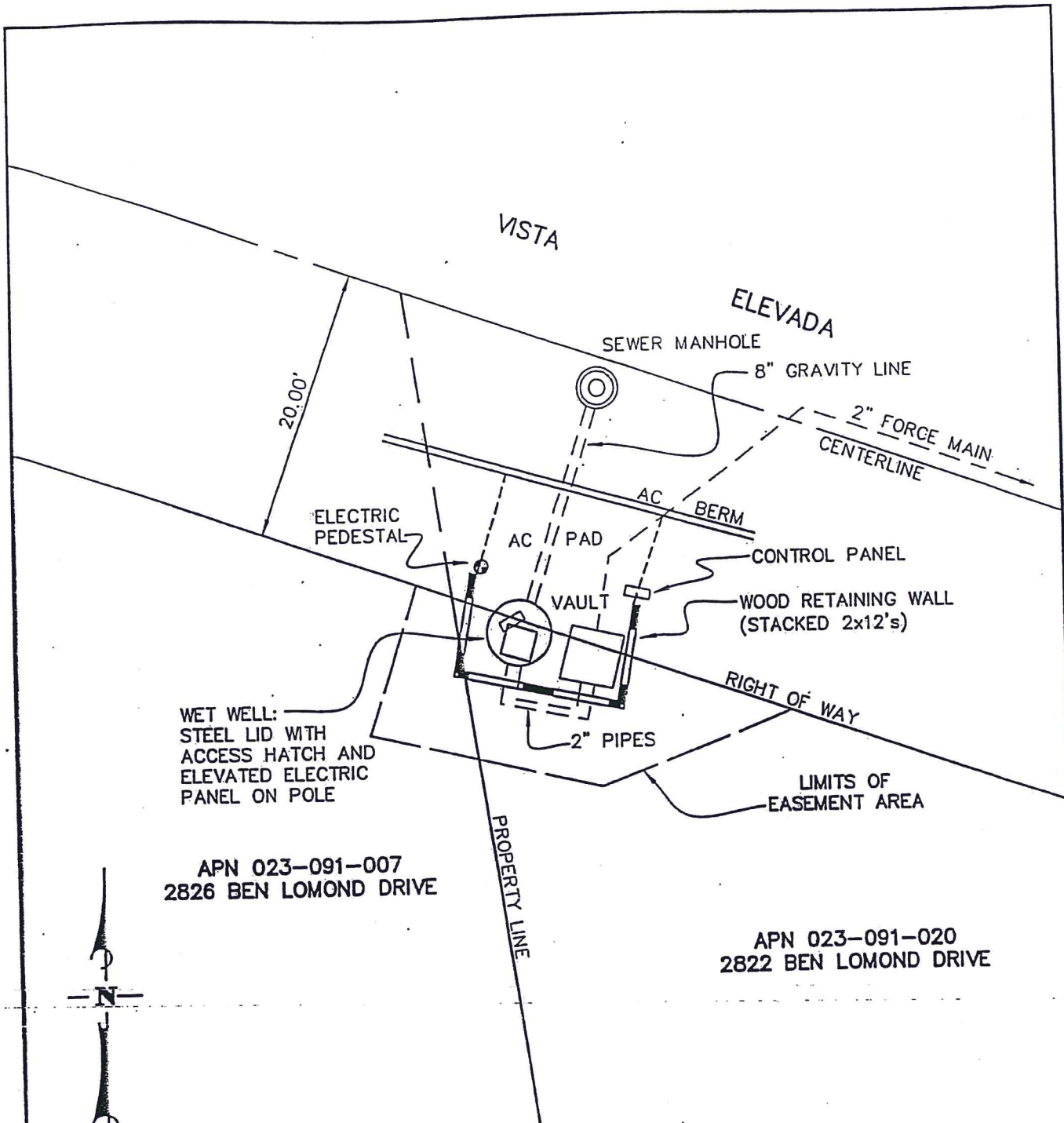
**Penfield & Smith**  
Engineering · Surveying · Planning  
· Construction Management ·

111 East Victoria Street, Santa Barbara, CA 93101  
Phone: (805) 963-9532 Fax: (805) 966-9801  
W.O. 19604.02 19604ESMT-EX.dwg



EXHIBIT B  
Page 1 of 2  
SEWER LIFT STATION EASEMENT  
APN 023-091-020  
COUNTY OF SANTA BARBARA  
STATE OF CALIFORNIA

NOVEMBER 16, 2011



APN 023-091-007  
2826 BEN LOMOND DRIVE

APN 023-091-020  
2822 BEN LOMOND DRIVE

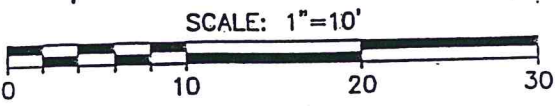


EXHIBIT B  
Page 2 of 2

**SEWER LIFT STATION DETAIL**  
**APN's 023-091-007**  
**& 023-091-020**  
COUNTY OF SANTA BARBARA, CA

**Penfield & Smith**  
Engineering · Surveying · Planning  
· Construction Management ·

W.O. 19604.01

19604BD.dwg

JANUARY 20, 2010  
REVISED: JULY 26, 2012

Recording requested by  
and to be returned to:  
County of Santa Barbara  
Department of General Services  
Office of Real Estate Services  
WILL CALL

COUNTY OF SANTA BARBARA  
OFFICIAL BUSINESS  
No fee pursuant to  
Government Code § 6103

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SPACE ABOVE THIS LINE FOR RECORDER'S USE  
APN 023-091-020 (portion)

**EASEMENT DEED**  
**(PERMANENT EASEMENT)**

CRAIG G. JOHNSON AND JUDY C. JOHNSON, owners of all that real property in the unincorporated area of the County of Santa Barbara, State of California, commonly referred to as 2822 Ben Lomond Drive, and more particularly described as County Assessor's Parcel Number 023-091-020, collectively referred to as GRANTOR herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

THE COUNTY OF SANTA BARBARA, a political subdivision of the State of California, its successors and assigns, as GRANTEE herein, a permanent easement for the present and future operation, repair, maintenance, and reconstruction of an existing sewer lift station, with such accessory parts and structures, and all appurtenances incidental thereto, together with the necessary rights of ingress and egress to the easement for the above-referenced purposes, in, on, over, along, under and through that certain land more particularly described on Exhibit "A" and shown on Exhibit "B", which are attached hereto and incorporated herein by this reference. There shall be no expansion of GRANTEE'S improvements existing within this easement area as of the date of recordation of this Easement Deed. The location of those existing improvements is shown on Exhibit "B".

GRANTEE shall be liable to GRANTOR, their successors and assigns, licensees, lessees or invitees, for all damages to person or property suffered by GRANTOR, their successors, assigns, licensees, lessees or invitees, resulting from the exercise of the rights herein granted by GRANTEE or its contractors or agents.

GRANTEE shall defend, indemnify and hold GRANTOR and GRANTOR'S successors and assigns, and each of them, harmless from and against all liability or claims thereof for loss of or

**EXHIBIT C**

damage to property or injury to or death of any person resulting from the exercise of the rights herein granted by GRANTEE or its contractors or agents.

In the event the easement area is unused for its intended purpose for five consecutive years, GRANTEE shall remove all of the improvements it has placed in the easement area and restore the easement area with vegetation consistent with the vegetation that is at such time existing in the immediate vicinity of the easement area. In such event, the rights herein granted to GRANTEE shall terminate, and GRANTEE shall record a Quitclaim Deed to GRANTOR or their successors and assigns of the rights herein granted to GRANTEE.

GRANTOR and its successors in interest retain the right to full use of the easement area except that within the easement area, no permanent structures or buildings can be erected or other use made by GRANTOR which would interfere with GRANTEE'S use of the easement.

DATED AS OF: March 15, 2012

IN WITNESS WHEREOF, GRANTOR has executed this Easement Deed as set forth below.

"GRANTOR"

CRAIG G. JOHNSON AND JUDY C. JOHNSON

By: Exhibit Only  
CRAIG G. JOHNSON

By: Exhibit Only  
JUDY C. JOHNSON



ACKNOWLEDGMENT

State of California

County of \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_  
(Name of Notary)

a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and Official seal.

Signature: \_\_\_\_\_ (Seal)

ACKNOWLEDGMENT

State of California

County of \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_  
(Name of Notary)

a Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

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Signature: \_\_\_\_\_ (Seal)

## Exhibit A

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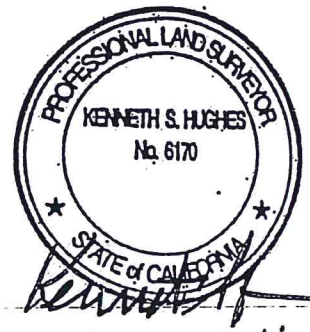
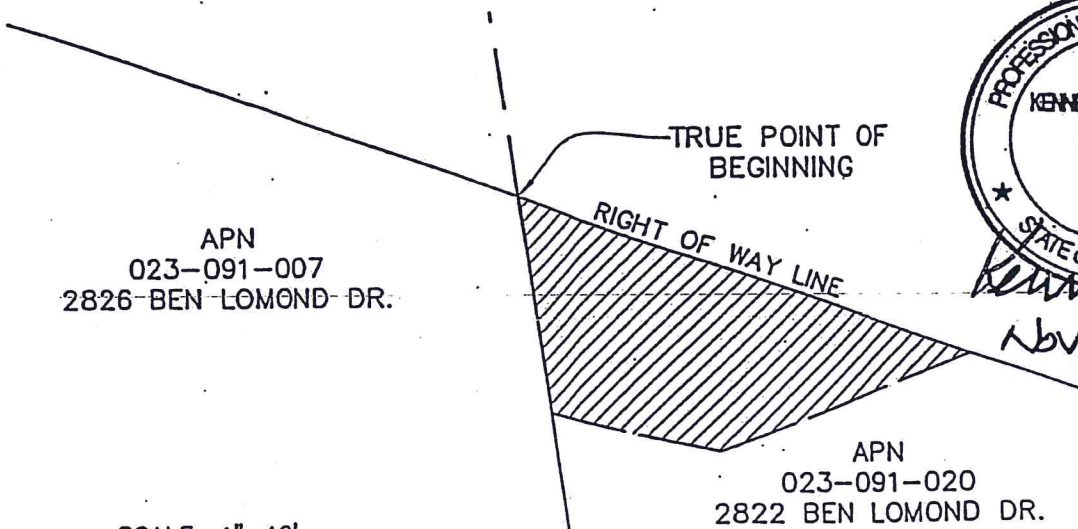
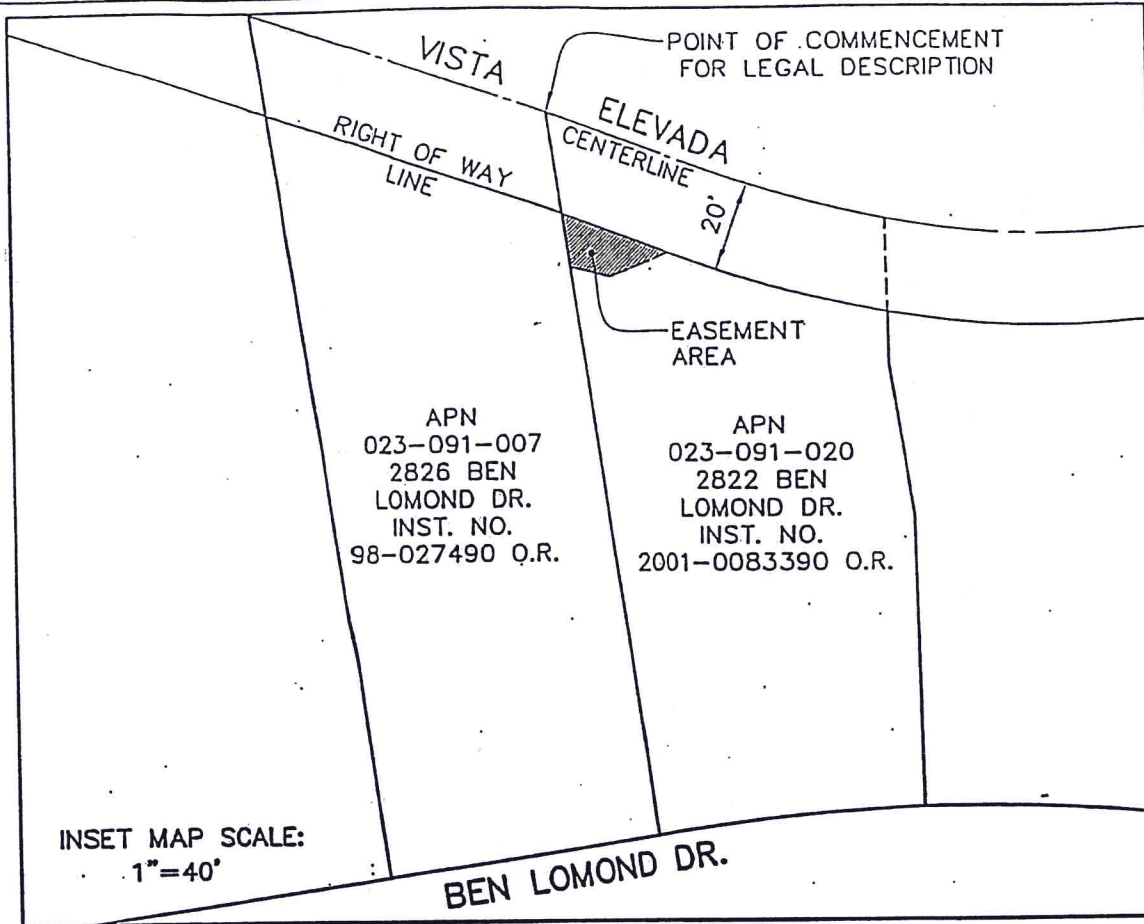
Kenneth S. Hughes  
PLS 6170  
License expiration  
date: 3/31/12



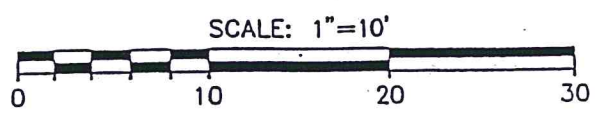
*Kenneth S. Hughes*

Nov. 16, 2011





Nov. 16, 2011

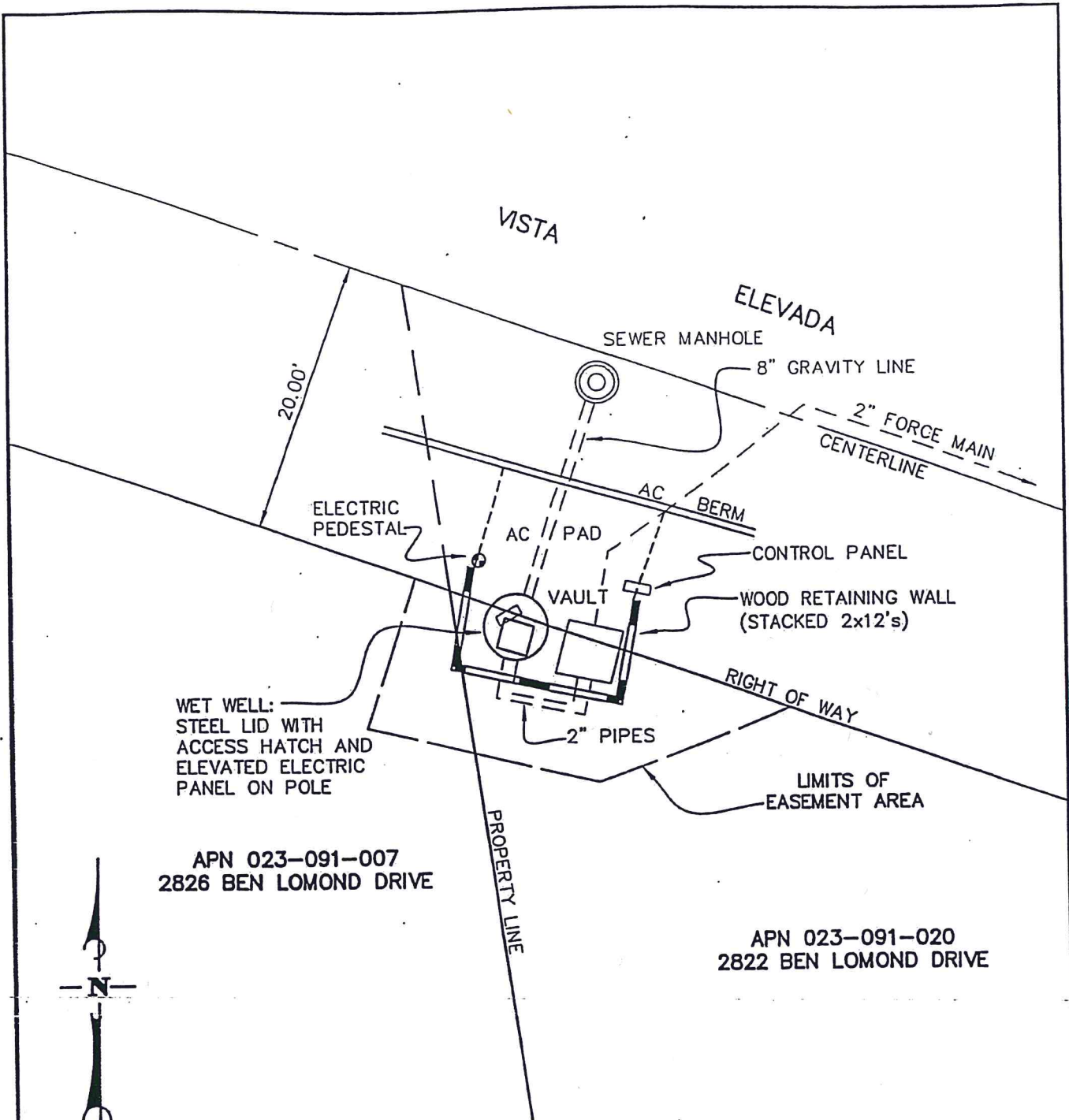


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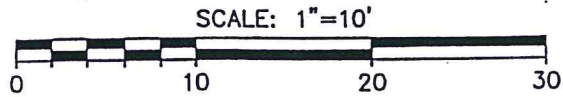
EXHIBIT B  
Page 1 of 2  
SEWER LIFT STATION EASEMENT  
APN 023-091-020  
COUNTY OF SANTA BARBARA  
STATE OF CALIFORNIA

NOVEMBER 16, 2011

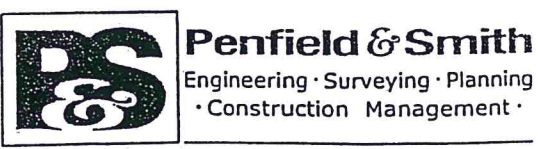


APN 023-091-007  
2826 BEN LOMOND DRIVE

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2822 BEN LOMOND DRIVE



**EXHIBIT B**  
Page 2 of 2  
**SEWER LIFT STATION DETAIL**  
**APN's 023-091-007**  
**& 023-091-020**  
COUNTY OF SANTA BARBARA, CA



W.O. 19604.01

19604BD.dwg

JANUARY 20, 2010  
REVISED: JULY 26, 2012

CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS.

THIS IS TO CERTIFY that the interest in real property conveyed by the Easement Deed (Permanent Easement) dated as of March 15, 2012, from CRAIG G. JOHNSON AND JUDY C. JOHNSON, to the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, is hereby accepted by Order of the Board of Supervisors of the County of Santa Barbara on \_\_\_\_\_, and the County of Santa Barbara as GRANTEE consents to recordation thereof by its duly authorized officer.

WITNESS my hand and official seal

this \_\_\_\_\_ day of \_\_\_\_\_

CHANDRA L. WALLAR,  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DENNIS A. MARSHALL  
COUNTY COUNSEL

By: \_\_\_\_\_  
Kevin E. Ready, Sr.  
Senior Deputy County Counsel

EXHIBIT D