

ATTACHMENT 1

Resolution and Summary Order to Vacate an Unused Portion of a County Road Easement and Right of Way

Recording requested by and)
to be returned to:)
SANTA BARBARA COUNTY)
General Services Department)
Real Estate Services Division)
1105 Santa Barbara Street)
Courthouse East Wing, 2nd Floor)
Santa Barbara, CA 93101)
ATTN: SHAUNA DRAGOMIR)
))
COUNTY OF SANTA BARBARA)
OFFICIAL BUSINESS)

No Recordation Fee Pursuant to
California Government Code §6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE
APN: 073-440-026 (portion)
RES File No. 004027

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

IN THE MATTER OF THE SUMMARY) RESOLUTION NO. _____
VACATION OF AN UNUSED PORTION)
OF A COUNTY ROAD EASEMENT) CAL. STREETS & HIGHWAYS CODE §8334(a)

**FINDINGS AND SUMMARY ORDER TO VACATE
(UNUSED PORTION OF A COUNTY ROAD EASEMENT AND RIGHT OF WAY)**

WHEREAS, the Santa Barbara County (“County”) is the holder and owner of the permanent 60-foot wide road easement and right of way for ingress and egress purposes described in a Certificate of Conformity recorded December 13, 2013, as Instrument Number 2013-0078219 of the Official Records of the Office of the County Recorder, City of Goleta, County of Santa Barbara, State of California, and shown on Parcel Map No. 10,598, filed in Book 2, Page 38 of Parcel Maps in the Office of said County Recorder, and recorded on April 12, 1967, as Instrument Number 10048 in Book 2187, Page 363 of the Official Records of said Office of the County Recorder (“Road Easement”); and

WHEREAS, Sections 8334(a) and 8335 of the California Streets and Highways Code provide that the County Board of Supervisors may summarily vacate an excess right-of-way of a street or highway that is not required for street or highway purposes by adopting a resolution of vacation; and

WHEREAS, County desires to vacate an excess, undeveloped, and unused northerly 30-foot portion of the Road Easement, as more particularly described in the Legal Description attached hereto as Exhibit A and incorporated herein by reference, and depicted in Exhibit B, attached hereto incorporated herein by reference (“Portion”); and

WHEREAS, the Portion is situated on that certain real property known as Assessor's Parcel Number 073-440-026 ("Property"), which Property is owned in fee by CAMINO REAL IV, LLC, a California limited liability company, as to an undivided 50% interest, and John E. Price and Janna M. Price, Trustees of The Price Living Trust dated September 28, 2007, as to an undivided 50% interest, as tenants in common (such owners, collectively "Camino IV"); and

WHEREAS, the southerly 30-foot portion of the Road Easement was developed as the private road Frey Way, which functions as an access road providing ingress and egress to County Fire Station #11 from Storke Road; and

WHEREAS, as Frey Way was constructed to a width of only 30-feet, the northerly 30-foot Portion of the Road Easement remains undeveloped, unused, and continues to encumber Camino IV's Property; and

WHEREAS, Camino IV has petitioned the County to vacate the excess Portion of the Road Easement to clear such encumbrance on Camino IV's title to the Property;

WHEREAS, the County Public Works Department has determined that, in accordance with Section 892(a) of the California Streets and Highways Code, the Portion is not useful as a bicycle path or route; and

WHEREAS, the County's Public Works Department has determined that the Portion is unnecessary for present or future public use as a portion of a county road and is no longer required by the traveling public or the County; and

WHEREAS, for a period of more than five consecutive years preceding the date hereof, the Portion has not been used for the purpose for which it was granted, has not been developed, is impassable for vehicular travel, and no public money has been expended for its maintenance; and

WHEREAS, no parcels will be landlocked as a result of the contemplated vacation; and

WHEREAS, since the Portion and affected Property are in the jurisdiction of the City of Goleta, a request for determination of conformity with the City of Goleta's General Plan was made on August 24, 2022. On September 28, 2022, the City of Goleta planner submitted an email response stating that the City of Goleta planning department agreed to the proposed vacation of the Portion and had nothing more to add. The allowable period of 40 days for response to the County's request pursuant to California Government Code Section 65402 expired on October 3, 2022, with no further response from the City of Goleta, and such non-response is thereby deemed a finding that the proposed summary vacation is in conformity with the City's adopted general plan.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of the County does hereby find, determine, and order as follows:

1. The above recitals are true and correct and incorporated as if fully set forth herein.
2. This Summary Order to Vacate is in compliance with, and made under authority granted in, Sections 8334 and 8335 of the Streets and Highways Code of the State of California.

3. The unused Portion of the Road Easement is excess and no longer needed for public uses or purposes of the County.
4. This vacation shall not impact or remove any current public rights.
5. The excess Portion of the Road Easement is particularly described in Exhibit A and shown on Exhibit B, both of which are attached hereto and made a part hereof.
6. The excess Portion of the Road Easement, as described in Exhibit A and shown on Exhibit B, is hereby summarily vacated pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways code of the State of California.
7. That this Resolution, attested to by the Clerk of the Board under the seal of the Board, shall be recorded in the Office of the County Recorder in the County of Santa Barbara, State of California, and that the date of recording shall become the effective date of this Summary Order to Vacate.
8. From and after the date that this Resolution is recorded, the unused Portion of Road Easement and right of way shall be vacated and no longer constitutes a street, highway, public road easement, or public right of way.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS

By: _____
Sheila de la Guerra
Deputy

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL


By: 
Lauren Wideman
Deputy County Counsel

EXHIBIT A

**PORTION OF EASEMENT VACATED
LEGAL DESCRIPTION**

Description:

THAT PORTION OF PARCEL "A" AS DESCRIBED IN A CERTIFICATE OF CONFORMITY RECORDED DECEMBER 13, 2013 AS INSTRUMENT No. 2013-0078219 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER, CITY OF GOLETA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;


THE NORTHERLY THIRTY (30) FEET OF A STRIP OF LAND SIXTY (60) FEET IN WIDTH, LYING PARALLEL WITH, ADJACENT TO AND NORTHERLY OF THE NORTHERLY LINE OF PARCEL "A" AS SHOWN ON PARCEL MAP No. 10,598, FILED IN BOOK 2, PAGE 38 OF PARCEL MAPS, IN THE OFFICE OF SAID COUNTY RECORDER. SAID (60) FOOT STRIP OF LAND ALSO BEING "PARCEL "2B"" PER GRANT DEED RECORDED APRIL 12, 1967 AS INSTRUMENT No. 10049 IN BOOK 2187, PAGE 363 OF OFFICIAL RECORDS IN SAID OFFICE THE COUNTY RECORDER.

END OF DESCRIPTION

The area of the above described is 9,344 square feet more or less.

Note: The land herein above described is graphically shown on Exhibit "B", being 1 sheet, attached hereto and made a part hereof.

This legal description was prepared by me, or under my direction, in conformance with the requirements of the Professional Land Surveyor's Act.

 11/23/2022

Barry Waters date:
P.L.S. No. 6419



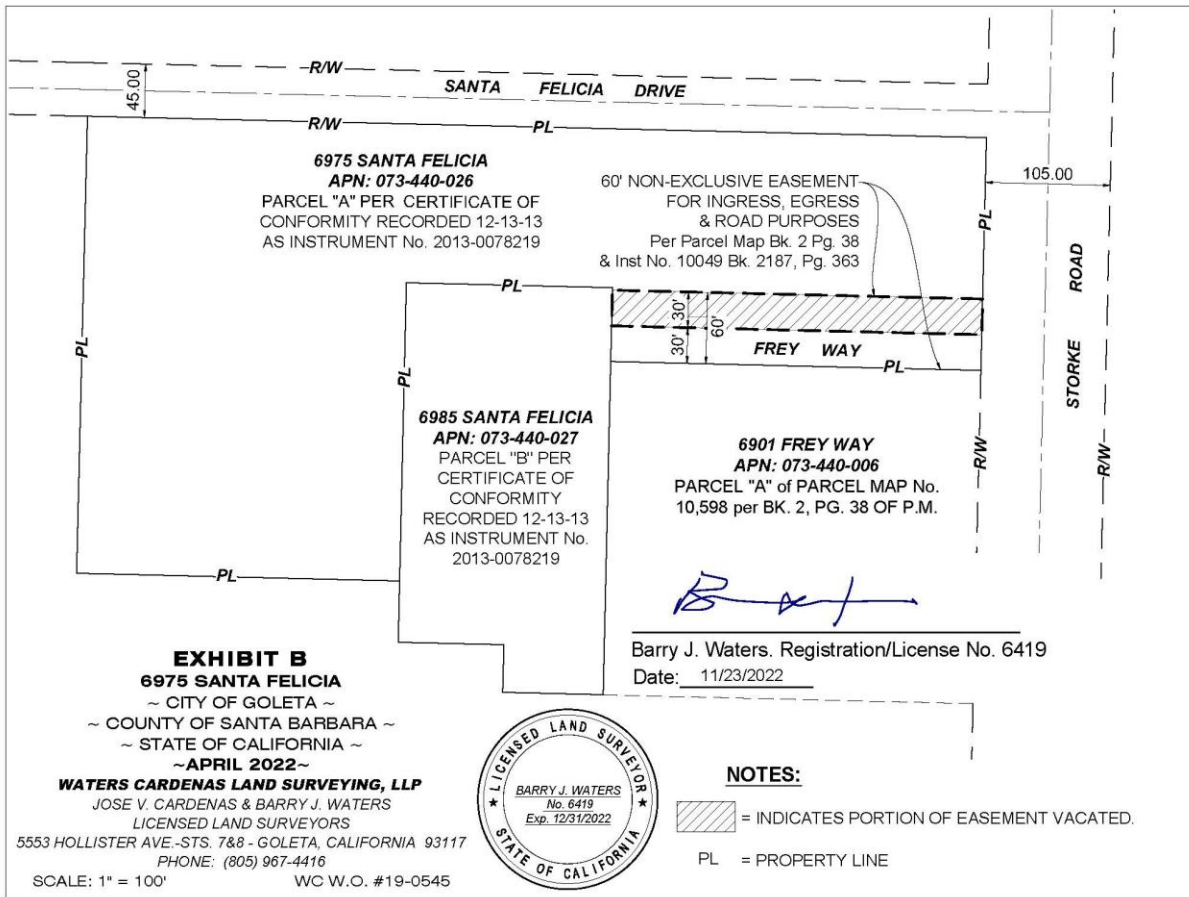


EXHIBIT B
6975 SANTA FELICIA
 ~ CITY OF GOLETA ~
 ~ COUNTY OF SANTA BARBARA ~
 ~ STATE OF CALIFORNIA ~
 ~APRIL 2022~
WATERS CARDENAS LAND SURVEYING, LLP
 JOSE V. CARDENAS & BARRY J. WATERS
 LICENSED LAND SURVEYORS
 5553 HOLLISTER AVE.-STS. 7&8 - GOLETA, CALIFORNIA 93117
 PHONE: (805) 967-4416
 SCALE: 1" = 100' WC W.O. #19-0545



NOTES:
 = INDICATES PORTION OF EASEMENT VACATED.
 PL = PROPERTY LINE