



**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:** General Services  
**Department No.:** 063  
**For Agenda Of:** October 13, 2020  
**Placement:** Administrative  
**Estimated Tme:** NA  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** General Services/ Janette D. Pell, Director (805) 560-1011  
Contact Info: Skip Grey, Assistant Director (805) 568-3083

**SUBJECT: County Grant of Non-exclusive Easements for Storm Drain Lines to Santa Barbara Preserve, LLC, Second District (003937)**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:**

Risk Management

**Auditor-Controller Concurrence**

As to form: NA

**Recommended Actions:**

That the Board of Supervisors:

- a) Find that a granting of the following non-exclusive utility storm drain easements from the COUNTY OF SANTA BARBARA to the SANTA BARBARA PRESERVE, LLC. (collectively, the "Easements"), is in the public interest and will not substantially conflict with or interfere with the County's use of the property:
  - 1) A 15-foot wide and approximately 135.06-foot long (approximately 2,070 square feet) easement across a portion of a County-owned parcel located on County Assessor Parcel Number 059-020-060 (1002 Cieneguitas Road) (Attachment 1); and
  - 2) A triangular area of approximately 654 square feet easement on a portion of a County-owned parcel located on County Assessor Parcel Number 059-020-057 (no site address) (Attachment 2); and

- b) Approve and authorize the Chair to execute the attached Easement Deed Agreements (Attachments 1 and 2), which grant the Easements to Santa Barbara Preserve, LLC; and
- c) After considering the Environmental Impact Report 04EIR-00000-00005 (EIR) for the Preserve at San Marcos Project 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, pursuant to CEQA Section 15162, the recommended actions are within the scope of the project covered by the EIR and no new environmental document is required. The above-described environmental document can be found here:  
<https://cosantabarbara.box.com/s/3mrp1qkmgw7he0pachge8irjw7unu2ex>  
<https://cosantabarbara.box.com/s/vxyfhw5qnfj4pc8en9jlkrbw8qp632g>

**Summary Text:**

This item is on the agenda in order to consider approval and granting of Non-Exclusive Storm Drain Easement Agreements for storm drain lines that are necessary to serve and protect the public at the Preserve at San Marcos Project as needed.

**Background:**

On November 21, 2005, the Board of Supervisors approved the Development Plan (01DVP-00000-00071) and Vesting Tract Map (TM14,585, 01TRM-00000-00005) for the Preserve at San Marcos Project. The approval included creation of 16 residential lots, three lots dedicated to the County for a public park, a private open space parcel held in common ownership by the Homeowners Association, two open space/no development parcels, and a 200-acre Designated Remainder lot.

In designing the necessary drainage infrastructure for the residential lots in the area of the project known as The Terraces, it has become apparent that certain easements necessary for drainage lines were overlooked when TM 14,585 was recorded. The easement request does not involve a change to the approved Preserve project. Rather, the easements address an oversight when the tract map was recorded. The easements should have been foreseen and incorporated into the original tract map. The two easements are for storm drain lines related to the previously approved stormwater basin on APN 059-020-056 (County owned, also referred to as Lot 18) to serve the Preserve at San Marcos Project Terraces residences. The easements are requested on APNs 059-020-060 and 059-020-057 (also referred to as Lot 17). The easement on APN 059-020-060 is necessary so a storm drain outlet can be located to avoid discharging directly over the Cachuma Operations and Maintenance Board (COMB) easement that lies underneath. The easement on APN 059-020-057 is necessary to convey stormwater from Via Gaitero to the stormwater basin.

The Developer has requested Non-Exclusive Storm Drain Easements (Easements) be granted by the County of Santa Barbara, for construction and installation of storm drain lines to convey stormwater at the Terraces portion of the residential development known as Santa Barbara Preserve to the Developer. The easements are requested on San Marcos Foothills Preserve Open

Space (APN 059-020-060) and 059-020-057 (also referred to as Lot 17). The easement affects land previously dedicated by the Developer to the County and therefore the Easement is required between the Developer and County. Granting of the Easement will serve a public interest and will not interfere with the County's use of the San Marcos Foothills Preserve Open Space.

**Fiscal and Facilities Impacts:**

There will be no direct fiscal or facilities impacts due to the recommended actions.

**Staffing Impacts:**

None

**Special Instructions:**

Clerk of the Board, please distribute as follows:

1. Return the original executed and dated Easement Deed Agreements, including completed, signed and sealed Acknowledgements to General Services, Attn: J. Cleary, for recordation.
2. Forward a copy of the Minute Order to General Services/Real Property Division, Attn: J. Cleary

**Attachments:**

- 1: Utility Easement Deed Agreement (APN 059-020-060)
- 2: Utility Easement Deed Agreement (APN 059-020-057)

**Attachment 1**

**ATTACHMENT 1**

**Utility Easement Deed Agreement**

**APN 059-020-060**

Recorded request by  
and to be returned to:  
County of Santa Barbara  
General Services Department  
Real Property Division

**Will Call**

1105 Santa Barbara St 2<sup>nd</sup> Flr  
Santa Barbara CA 93101

**COUNTY OF SANTA BARBARA  
OFFICIAL BUSINESS**

No fee pursuant to Government Code § 27383  
No Documentary Transfer Tax  
Pursuant to Rev & Tax Code §11922

SPACE ABOVE THIS LINE FOR RECORDER'S USE  
A.P.N. 059-020-060 (portion of)  
Real Property Division #003937

<p><b>The undersigned grantor declares</b> DOCUMENTARY TRANSFER TAX \$ _____ <input type="checkbox"/> computed on full value of property conveyed, or <input type="checkbox"/> computed on full value less liens and encumbrances remaining at the time of sale. <input checked="" type="checkbox"/> Unincorporated Area of Santa Barbara County</p>
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**EASEMENT DEED AGREEMENT**  
**(UTILITY STORM DRAIN LINE EASEMENT)**

COUNTY OF SANTA BARBARA, a political subdivision of the State of California, owner of all that real property in the unincorporated area of the County of Santa Barbara, State of California, commonly referred to as Assessor's Parcel Number: 055-020-060 (the "Property") referred to as COUNTY herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

SANTA BARBARA PRESERVE, LLC, its successors and assigns (hereinafter referred to as "GRANTEE"), a non-exclusive underground utility storm drain line easement for (i) the present and future construction, reconstruction, operation, repair, and maintenance of a subsurface storm drain pipeline and with such surface and subsurface accessory parts and appurtenances thereto (collectively "Facilities") and (ii) pedestrian and vehicular ingress and egress across such portion of real property, as necessary for installing, constructing, re-constructing, operating, repairing, maintaining and replacing Facilities as may from time to time be deemed necessary by GRANTEE. The non-exclusive utility easement area containing approximately 2,070 sq.ft., situated in the County of Santa Barbara, State of California, legally described in Exhibit "A" and shown on Exhibit "B", attached hereto and incorporated herein by reference, shall hereafter be referred to as the "Utility Area".

GRANTEE agrees to indemnify, defend and hold harmless COUNTY and its officers, officials, employees, agents and volunteers from and against 1) any and all claims, actions, losses, damages, judgments and/or liabilities arising out of GRANTEE's use of this easement, including liability arising out of the acts, errors or omissions of any person or entity controlled by GRANTEE 2) and for any costs or expenses (including but not limited to reasonable attorneys' fees) incurred by

COUNTY on account of any claims, actions, losses, damages, judgments and/or liabilities arising out of GRANTEE's use of such easement, except where such indemnification is prohibited by law.

GRANTEE, their contractors, agents and employees shall be responsible for any and all permits and approvals required to construct, install, repair and maintain any utilities in the Utility Area.

**IN WITNESS WHEREOF**, COUNTY and GRANTEE have executed this Easement Deed Agreement by their respective authorized representatives set forth below.

“COUNTY”  
COUNTY OF SANTA BARBARA

“GRANTEE”  
SANTA BARBARA PRESERVE, LLC  
A California Limited Liability Company

\_\_\_\_\_  
Gregg Hart, Chair  
Board of Supervisors

By: Chadmar Santa Barbara Preserve LLC,  
a California Limited Liability Company  
Its Manager

DATE: \_\_\_\_\_

\_\_\_\_\_  
Charles Robert Lande, Jr.  
Vice President

DATE: \_\_\_\_\_

## ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA            )  
  )  
COUNTY OF SANTA BARBARA    )

On \_\_\_\_\_, before me, \_\_\_\_\_, Deputy Clerk, personally appeared Gregg Hart, Chair of the Board of Supervisors, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.

MONA MIYASATO  
CLERK OF THE BOARD OF SUPERVISORS

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

# ACKNOWLEDGEMENT

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STATE OF CALIFORNIA        )

)

COUNTY OF LOS ANGELES    )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared Charles Robert Lande, Jr who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Seal)



**Exhibit A**  
**Storm Drain Easement**  
(over APN 059-020-060)  
Legal Description

That certain portion of the Designated Remainder of Tract No. 14,585 in the County of Santa Barbara, State of California, as shown on the map filed December 22, 2006 in Book 202, Pages 73 through 80, inclusive, of Maps, in the Office of the County Recorder of said County, said Remainder being merged and described in that certain Certificate and Declaration of Voluntary Merger 06-VM-18 recorded December 27, 2006 as Instrument No. 2006-0100786 of Official Records of said County, more particularly described as follows:

A strip of land 15.00 feet wide, lying adjacent to and 15.00 feet northeasterly of the following described line:

**BEGINNING** at a point on the westerly boundary of said merged Remainder Parcel of Tract No. 14,585, said point being the Southeast corner of Lot 18 of said Tract; thence, leaving said westerly boundary and into said Remainder Parcel,

South 49°37'16" East, a distance of 135.06 feet to the end of said strip.

The sidelines of said strip shall be lengthened or shortened so as to terminate southeasterly at right angles and northwesterly on the westerly line of said Remainder, being also the East line of said Lot 18.

Containing 2,070 square feet, more or less.

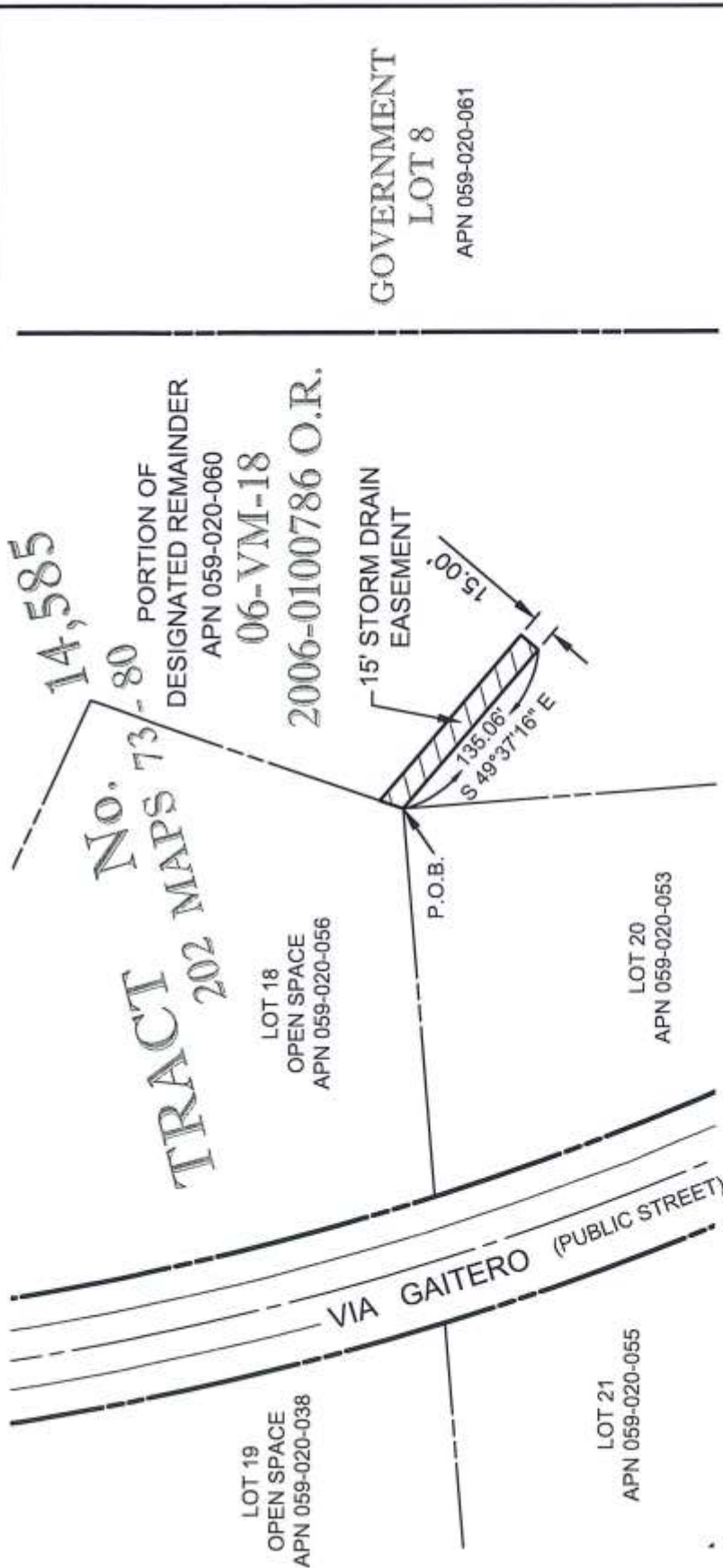
The legal description hereinabove described is graphically shown on Exhibit B and made a part hereof by reference.

Prepared by: Stantec  
Under the direction of:



Kenneth J. Wilson, PLS 7911  
June 22, 2020  
PN 2064139400





**LEGEND**

- P.O.B.
- APN
- O.R.
- VM
- POINT OF BEGINNING
- ASSESSOR PARCEL NUMBER
- OFFICIAL RECORDS
- VOLUNTARY MERGER



111 East Victoria Street, Santa Barbara, CA 93101  
Phone: (805) 963-9532 Fax: (805) 966-9801

P.N. 2064139400

DWG: 2064139400-REMAINDER-LOT\_SD\_ESMT.dwg

**EXHIBIT B**

STORM DRAIN EASEMENT  
REMAINDER PARCEL - TRACT No. 14,585  
APN 059-020-060  
COUNTY OF SANTA BARBARA  
STATE OF CALIFORNIA



SCALE: 1" = 100'

PLOT DATE: 6/22/2020

6-22-2020

**Attachment 2**

**ATTACHMENT 2**

**Utility Easement Deed Agreement**

**APN 059-020-057**

Recorded request by  
and to be returned to:  
County of Santa Barbara  
General Services Department  
Real Property Division

**Will Call**

1105 Santa Barbara St 2<sup>nd</sup> Flr  
Santa Barbara CA 93101

**COUNTY OF SANTA BARBARA  
OFFICIAL BUSINESS**

No fee pursuant to Government Code § 27383  
No Documentary Transfer Tax  
Pursuant to Rev & Tax Code §11922

SPACE ABOVE THIS LINE FOR RECORDER'S USE  
A.P.N. 059-020-057 (portion of)  
Real Property Division #003937

<p><b>The undersigned grantor declares</b> DOCUMENTARY TRANSFER TAX \$ _____ <input type="checkbox"/> computed on full value of property conveyed, or <input type="checkbox"/> computed on full value less liens and encumbrances remaining at the time of sale. <input checked="" type="checkbox"/> Unincorporated Area of Santa Barbara County</p>
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**EASEMENT DEED AGREEMENT**  
**(UTILITY STORM DRAIN LINE EASEMENT)**

COUNTY OF SANTA BARBARA, a political subdivision of the State of California, owner of all that real property in the unincorporated area of the County of Santa Barbara, State of California, commonly referred to as Assessor's Parcel Number: 059-020-057 (the "Property") referred to as COUNTY herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

SANTA BARBARA PRESERVE, LLC, its successors and assigns (hereinafter referred to as "GRANTEE"), a non-exclusive underground utility storm drain line easement for (i) the present and future construction, reconstruction, operation, repair, and maintenance of a subsurface storm drain pipeline and with such surface and subsurface accessory parts and appurtenances thereto (collectively "Facilities") and (ii) pedestrian and vehicular ingress and egress across such portion of real property, as necessary for installing, constructing, re-constructing, operating, repairing, maintaining and replacing Facilities as may from time to time be deemed necessary by GRANTEE. The non-exclusive utility easement area containing approximately 654 sq.ft., situated in the County of Santa Barbara, State of California, legally described in Exhibit "A" and shown on Exhibit "B", attached hereto and incorporated herein by reference, shall hereafter be referred to as the "Utility Area".

GRANTEE agrees to indemnify, defend and hold harmless COUNTY and its officers, officials, employees, agents and volunteers from and against 1) any and all claims, actions, losses, damages, judgments and/or liabilities arising out of GRANTEE's use of this easement, including liability arising out of the acts, errors or omissions of any person or entity controlled by GRANTEE 2) and for any costs or expenses (including but not limited to reasonable attorneys' fees) incurred by COUNTY on account of any claims, actions, losses, damages, judgments and/or liabilities arising out of GRANTEE's use of such easement, except where such indemnification is prohibited by law.

GRANTEE, their contractors, agents and employees shall be responsible for any and all permits and approvals required to construct, install, repair and maintain any utilities in the Utility Area.

In the event that it is necessary for GRANTEE to repair, maintain, or replace Facilities in the Utility Area, GRANTEE agrees to protect existing improvements in the Utility Area to the maximum extent feasible. If any improvements are damaged or removed by GRANTEE, its authorized agents, employees and contractors, they shall be restored or replaced by GRANTEE to as near the original condition as existed prior to repair, maintenance, or replacement of Facilities by GRANTEE and to the satisfaction of the COUNTY.

**IN WITNESS WHEREOF**, COUNTY and GRANTEE have executed this Easement Deed Agreement by their respective authorized representatives set forth below.

“COUNTY”  
COUNTY OF SANTA BARBARA

\_\_\_\_\_  
Gregg Hart, Chair  
Board of Supervisors

DATE: \_\_\_\_\_

“GRANTEE”  
SANTA BARBARA PRESERVE, LLC  
A California Limited Liability Company

By: Chadmar Santa Barbara Preserve LLC,  
a California Limited Liability Company  
Its Manager

\_\_\_\_\_  
Charles Robert Lande, Jr.  
Vice President

DATE: \_\_\_\_\_

ACKNOWLEDGEMENT

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STATE OF CALIFORNIA )  
 )  
COUNTY OF SANTA BARBARA )

On \_\_\_\_\_, before me, \_\_\_\_\_, Deputy Clerk, personally appeared Gregg Hart, Chair of the Board of Supervisors, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.

MONA MIYASATO  
CLERK OF THE BOARD OF SUPERVISORS

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

# ACKNOWLEDGEMENT

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STATE OF CALIFORNIA      )  
   )  
 COUNTY OF LOS ANGELES )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared Charles Robert Lande, Jr who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

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

**Exhibit A**  
**Storm Drain Easement**  
(over APN 059-020-057)  
Legal Description

That certain portion of Lot 17 of Tract No. 14,585 in the County of Santa Barbara, State of California, as shown on the map filed December 22, 2006 in Book 202, Pages 73 through 80, inclusive, of Maps, in the Office of the County Recorder of said County, more particularly described as follows:

**BEGINNING** at the corner common to Lots 17 and 18 of said Tract, said corner being on the easterly line of Via Gaitero, a public street 80.00 feet wide as shown on said Tract and also being the beginning of a curve, concave easterly and having a radial center which bears North 84°31'13" East 1960.15 feet, thence, along said curve and southerly line of Lot 17,

Northerly, through a central angle of 0°19'00" an arc distance of 10.83 feet to an angle point in said south line of Lot 17, being also the northeast corner of said Via Gaitero, 80.00 feet wide; thence, continuing along said south line,

South 89°25'43" West, a distance of 13.12 feet to a line parallel with and 21.00 feet easterly of the west line of said Lot 17; thence, along said parallel line,

North 3°49'36" East, a distance of 12.44 feet to the beginning of a curve, concave easterly and having a radius of 214.00 feet; thence, continuing along said parallel line and along said curve,

Northerly, through a central angle of 5°14'57" an arc distance of 19.61 feet; thence, leaving said parallel line,

South 37°53'18" East, a distance of 54.70 feet to a point on the south line of said Lot 17; thence, along said south line,

North 88°24'54" West, a distance of 22.51 feet to the Point of Beginning.

Containing 654 square feet, more or less.

The legal description hereinabove described is graphically shown on Exhibit B and made a part hereof by reference.

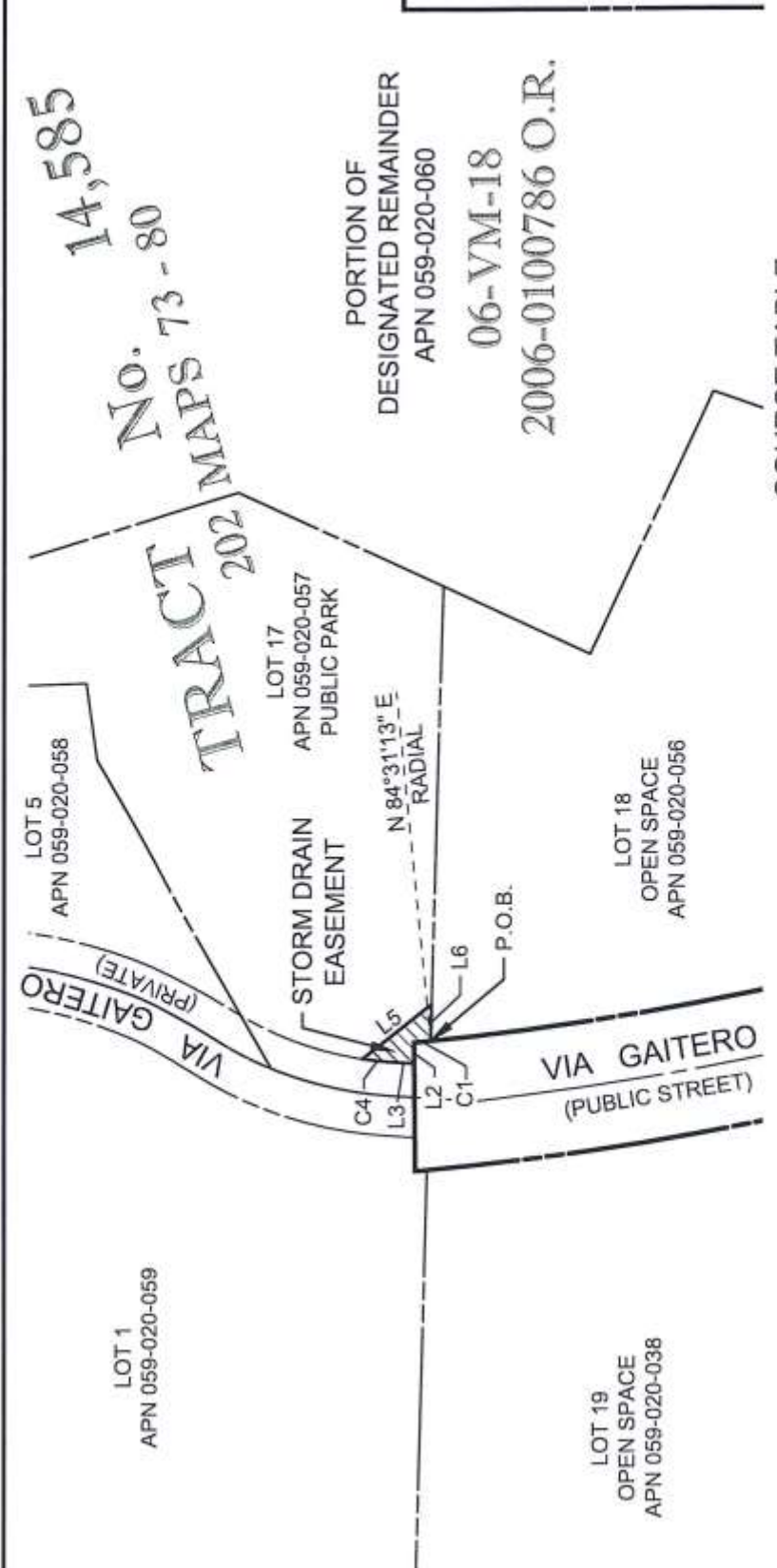
Prepared by: Stantec  
Under the direction of:



Kenneth J. Wilson, PLS 7911  
June 22, 2020  
PN 2064139400







TRACT 202  
 No. 14,585  
 MAPS 73 - 80

**LEGEND**  
 P.O.B. - POINT OF BEGINNING  
 APN - ASSESSOR PARCEL NUMBER  
 O.R. - OFFICIAL RECORDS  
 VM - VOLUNTARY MERGER

**COURSE TABLE**  
 C1 - Δ = 0° 19' 00" R = 1960.15 L = 10.83'  
 L2 - S 89° 25' 43" W 13.12'  
 L3 - N 3° 49' 36" E 12.44'  
 C4 - Δ = 5° 14' 57" R = 214.00 L = 19.61'  
 L5 - S 37° 53' 18" E 54.70'  
 L6 - N 88° 24' 54" W 22.51'

**EXHIBIT B**  
 STORM DRAIN EASEMENT  
 LOT 17 - TRACT No. 14,585  
 APN 059-020-057  
 COUNTY OF SANTA BARBARA  
 STATE OF CALIFORNIA



6-22-2020



SCALE: 1" = 100'

PLOT DATE: 6/22/2020



111 East Victoria Street, Santa Barbara, CA 93101  
 Phone: (805) 963-9532 Fax: (805) 966-9801

P.N. 2064139400 DWG: 2064139400-LOT-17\_SD\_ESMT.dwg