

**Attachment 1**

**A T T A C H M E N T  
1**

**Resolution of Necessity  
for  
Acquisition  
of  
Southern California Edison  
Assessor Parcel Number: 069-100-004**

**COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF INSTITUTING )  
PROCEEDINGS AND MAKING A FINDING )  
OF PUBLIC NECESSITY FOR THE ) RESOLUTION NO. \_\_\_\_\_  
ACQUISITION OF PROPERTY BY THE COUNTY ) (2/3 vote required)  
OF SANTA BARBARA FROM THE SOUTHERN )  
CALIFORNIA EDISON COMPANY )**

**WHEREAS**, on August 25, 2015, the County of Santa Barbara (“COUNTY”) approved the San Jose Creek Bike Path Project (“PROJECT”), including the acquisition of a portion of that certain real property described as Assessor's Parcel No. 069–100–004, located in the unincorporated County of Santa Barbara, State of California; and

**WHEREAS**, the COUNTY is authorized to acquire the hereinafter described real property for public use as a public right-of-way, including as a bikeway, under the authority of:

- a. Article I, Section 19 of the Constitution of the State of California; and
- b. Code of Civil Procedure Sections 1230.010-1273.050; and
- c. Government Code Section 25350.5; and
- d. Streets and Highways Code Section 891.8; and

**WHEREAS**, the certain real property within the unincorporated County of Santa Barbara, State of California, is legally described in Exhibit “A” and depicted in Exhibit “B” and that both Exhibits “A” and “B” are attached hereto and incorporated herein; and

**WHEREAS**, the PROJECT is included in the COUNTY’s Bicycle Master Plan and will meet transportation and land use planning goals defined in the COUNTY’s Comprehensive Plan Circulation Element; and

**WHEREAS**, the COUNTY on August 25, 2015, approved a Final Mitigated Negative Declaration (14NGD-00000-00001) for the PROJECT, certified that the Mitigated Negative Declaration was completed in compliance with the California Environmental Quality Act, and adopted the Mitigation Monitoring Plan included in Mitigated Negative Declaration 14NGD-00000-00001; and

**WHEREAS**, on November 15, 2016, the Board of Supervisors held a duly noticed hearing pursuant to the terms of California Code of Civil Procedure Section 1245.235 and said hearing was concluded prior to the adoption of this Resolution; and

**WHEREAS**, the COUNTY desires to and hereby agrees pursuant to Code of Civil Procedure Section 1240.140 to exercise its powers of eminent domain to acquire the hereinafter described real property for public right-of-way purposes, including as a bikeway; and

**WHEREAS**, the public interest and necessity require the acquisition of the real property hereinafter described for public use as a public right-of-way, including as a bikeway.

**NOW, THEREFORE** the Board of Supervisors for the County of Santa Barbara, State of California does hereby find, determine, and resolve by at least two-thirds (2/3) vote:

1. The COUNTY hereby authorizes the acquisition of a fee interest in the portion of that real property located within the unincorporated County of Santa Barbara, described as Assessor's Parcel No. 069-100-004, more particularly described in Exhibit "A," and depicted in Exhibit "B" ("PROPERTY"); and

2. Exhibits "A" and "B," attached hereto and incorporated herein, describe the PROPERTY with sufficient detail for reasonable identification; and

3. The public use to which the PROPERTY will be put is as a public right-of-way, including as a bikeway; and

4. The public use to which the PROPERTY will be put is authorized by law, as described in this Resolution and the Streets and Highways Code; and

5. The PROPERTY, as described in this Resolution, is necessary for the PROJECT; and

6. The public interest and necessity require the PROJECT, which is for the benefit of the PUBLIC, and therefore the taking of the PROPERTY for the public uses described herein; and

7. The PROJECT is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and

8. The COUNTY has complied with the California Environmental Quality Act ("CEQA") and related State CEQA Guidelines adopted by the Secretary for Natural Resources; and

9. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record of the PROPERTY; and

10. The County Counsel of the County of Santa Barbara and its Special Eminent Domain Counsel, the Law Offices of Oliver, Sandifer & Murphy are hereby authorized, empowered, and directed to perform all acts necessary on behalf of the COUNTY to acquire the PROPERTY, including preparing and prosecuting in the name of the COUNTY such proceeding or proceedings in a proper Court having jurisdiction thereof as are necessary to acquire the PROPERTY, and to do any and all other things in connection with such proceedings as in his/her or their judgment may be necessary or convenient to the successful conclusion of said proceeding or proceedings, including obtaining of an Order for Immediate Possession, applying for an order or orders fixing the amount of such security in the way of money deposits as said

Court may direct, and the preparation, filing, amendment, dismissal, etc. of all pleadings and stipulations that in the opinion of Counsel are necessary for the processing of the litigation; and

11. The County Counsel and the General Services Department is hereby authorized to expend funds available to the COUNTY to acquire the PROPERTY; and

12. The Law Offices of Oliver, Sandifer, and Murphy is hereby authorized and directed to record a certified copy of this Resolution in the Office of the County Recorder of the County of Santa Barbara. It may thereafter be referred to in any acceptance by any of the officers or agents referred to hereinabove with the same effect as though a certified copy of this Resolution were attached to the document accepted.

**PASSED, APPROVED, AND ADOPTED** by the Board of Supervisors of the County Santa Barbara, State of California, on this 15<sup>th</sup> day of November, 2016 by the following vote:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAIN:**

ATTEST:  
MONA MIYASATO  
COUNTY EXECUTIVE OFFICE  
CLERK OF THE BOARD

COUNTY OF SANTA BARBARA

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

By: \_\_\_\_\_  
Peter Adam, Chair  
Board of Supervisors

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By: \_\_\_\_\_  
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:  
THEODORE A. FALATTI, CPA  
AUDITOR-CONTROLLER

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

**EXHIBIT**  
**PERMANENT EASEMENT**  
**LEGAL DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE LAND CONVEYED TO ROBERT S. ROWE, ET UX, BY DEED DATED JANUARY 20, 1919 AND RECORDED IN BOOK 170, PAGE 162, OF DEEDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID CORNER BEING ALSO THE MOST WESTERLY CORNER OF THE TRIANGULAR SHAPED PARCEL OF LAND CONVEYED TO STEPHEN ROBERTS AND JOHN F. CASSELL BY DEED DATED MAY 12, 1888 AND RECORDED IN BOOK 22, PAGE 29, OF DEEDS, IN THE OFFICE OF SAID COUNTY RECORDER;

THENCE WEST ALONG THE SOUTHERLY LINE OF SAID LAND CONVEYED TO ROBERT S. ROWE ET UX, 14.45 FEET;

THENCE NORTH, LEAVING SAID SOUTHERLY LINE 270.00 FEET;

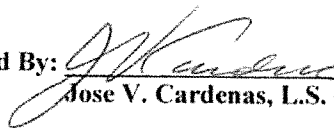
THENCE EAST AND PARALLEL WITH SAID SOUTHERLY LINE 118.09 FEET TO THE EASTERLY LINE OF SAID LAND CONVEYED TO ROBERT S. ROWE, ET UX;

THENCE S21°00'00"E 289.21 FEET ALONG SAID EASTERLY LINE TO THE TRUE POINT OF BEGINNING;

Said land described contains 17,892 SQ. FT. more or less

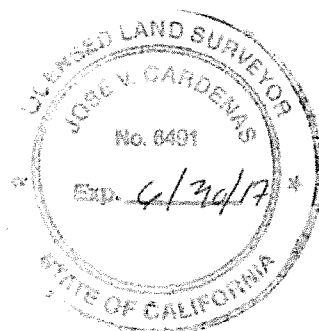
**END OF DESCRIPTION**

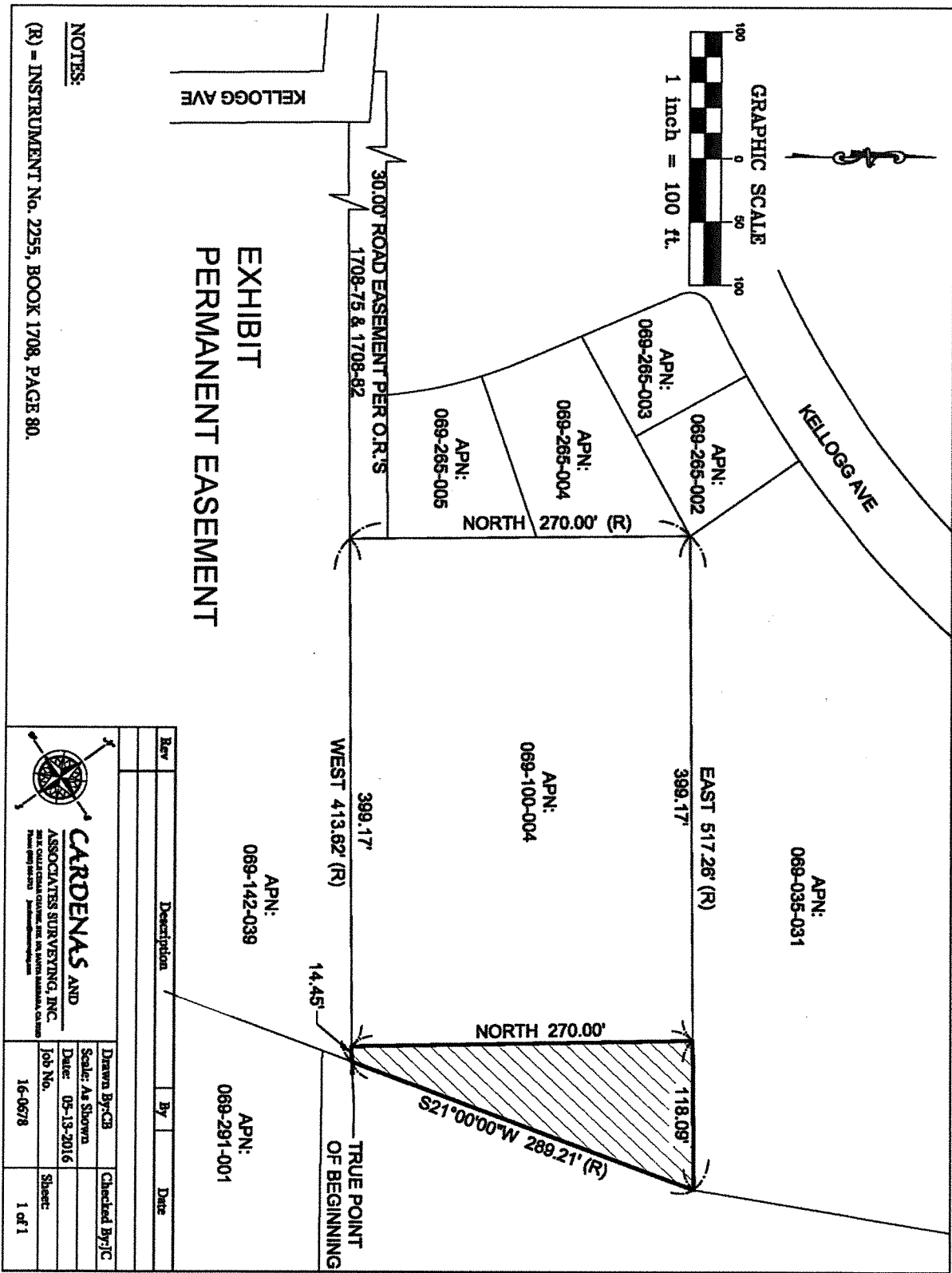
Prepared By:

  
Jose V. Cardenas, L.S. 6491

Date:

5/17/16





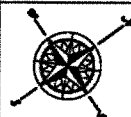
**EXHIBIT  
PERMANENT EASEMENT**

**NOTES:**  
(R) = INSTRUMENT No. 2255, BOOK 1708, PAGE 80.

Rev	Description	By	Date

Drawn By: CB	Checked By: JC
Scale: As Shown	Date: 05-13-2016
Job No. 16-0078	Sheet: 1 of 1



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