

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

IN THE MATTER OF INSTITUTING  
PROCEEDINGS AND MAKING A FINDING  
OF PUBLIC NECESSITY FOR THE  
ACQUISITION OF CERTAIN PROPERTIES  
BY THE COUNTY OF SANTA BARBARA  
FROM LINDA S. KESTON, DANIEL E.  
KESTON AND JAMES A. KESTON CO-  
TRUSTEES OF THE KESTON REVOCABLE  
TRUST DATED MARCH 29, 1995

**RESOLUTION NO.** 19-271

(4/5 vote required)

**BE IT RESOLVED** that the County of Santa Barbara Board of Supervisors (“COUNTY”), State of California, does hereby find and determine as follows:

A. COUNTY has approved the acquisition of a Temporary Construction Easement in connection with the Fernald Point Lane Bridge Replacement Project at Romero Creek herein referred to as the “Project”, described as a portion of County of Santa Barbara Assessor’s Parcel Number, 007–380–006 and as more fully set forth in Attachment 1 and Exhibits “A” and “B” attached hereto and incorporated herein (“Subject Property”); and

B. The Subject Property is being acquired for the PROJECT, i.e., the replacement of the existing Fernald Point Bridge No. 51C–0137, and for such all purposes under the authority of:

1. Article I, Section XIX of the California Constitution; and
2. Code of Civil Procedure; Section 1240.010, 1240.110  
1240.120, 1230.020 and 1240.020;
3. Government Code Section 25350.5; and

C. The Subject Property is within the unincorporated area of the County of Santa Barbara, State of California, and is located at 1767 Fernald Point Lane, in the Community of Montecito, Assessor’s Parcel Number 007–380–006, as described in Attachment 1, Driveway Conform Temporary Construction Easement, and as more fully set forth in Exhibit “A” and shown in Exhibit “B”, attached and incorporated herein, and;

D. That the Board considered the Mitigated Negative Declaration and the Mitigation Monitoring Program (15NGD-00000-00005) for the Proposed Fernald Point Lane Bridge Replacement Project at Romero Creek approved and adopted by the Board of Supervisors on June 21, 2016 and found that pursuant to State California Environmental Quality Act Guidelines 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 Section 15162, the recommended actions are within the scope of the project covered by the MND and no new environmental document is required. The COUNTY has complied with environmental review process under the provisions of CEQA Guidelines adopted by the Secretary of Resources; and

E. That the acquisition of the Subject Property is necessary for the PROJECT; the public interest and necessity require the PROJECT, and; the PROJECT is planned and located in a manner that is compatible with the greatest public good and the least private injury; and

F. That pursuant to Code of Civil Procedure Section 1245.235, notice and an opportunity to be heard was given to the person(s) shown on the last equalized County assessment roll for the Subject Property and said person(s) was/were provided with a written Appraisal Summary Statement and an Eminent Domain Process Summary; and

G. That pursuant to Government Code Section 7267.2 the owner(s) of record was/were offered just compensation for the Subject Property herein described.

**NOW, THEREFORE** the Board of Supervisors for the County of Santa Barbara, State of California does hereby find, determine, and resolve by at least four-fifths (4/5) vote:

1. The Subject Property is located within the County of Santa Barbara at 1767 Fernald Point Lane, in the State of California, County of Santa Barbara, Community of Montecito, and is a portion of Assessor's Parcel Number 007-380-006, described in Attachment 1, Driveway Conform Temporary Construction Easement, as set forth in Exhibit "A" and shown in Exhibit "B", attached hereto are incorporated herein as though set forth at length and is made a part hereof.
2. The public interest and necessity require the PROJECT.
3. The PROJECT is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
4. The Subject Property described in the Resolution is necessary for the Project.
5. That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.
6. The COUNTY has complied with the environmental review process under the provisions of CEQA and the State CEQA Guidelines adopted by the Secretary of Resources.
7. The County Counsel of the County of Santa Barbara and Special Eminent Domain Counsel, the Law Offices of Oliver, Sandifer, and Murphy are authorized and directed to perform all acts necessary on behalf of the COUNTY for the acquisition of said Subject 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 Prejudgment Possession, 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.
8. The County Counsel and the Director of the Public Works Department are hereby authorized to expend funds available to the COUNTY for the acquisition of the Subject Property herein described.

**BE IT RESOLVED** that the real property interests described in Attachment 1, set forth in Exhibit "A" and shown in Exhibit "B" be acquired by eminent domain in the name of the County of Santa Barbara for public use purposes, as specified herein, and County Counsel of the County of Santa Barbara and its Special Eminent Domain Counsel are hereby authorized, empowered, and directed to prepare and prosecute in the name of the COUNTY such proceeding or proceedings in the proper Court having jurisdiction thereof, as are necessary for such acquisition, and are authorized, at their discretion are authorized to apply for an order or orders fixing the amount of such security in the way of money deposits as said Court may direct, and or an order or orders permitting said COUNTY to take immediate possession and use of said Subject Property for the public purposes.

**PASSED AND ADOPTED** by the County of Santa Barbara Board of Supervisors, State of California, this the 15th day of October, 2019, by the following vote:

**AYES:** Supervisors Hart, Hartmann, Adam and Lavagnino

**NOES:** Supervisor Williams

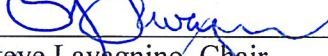
**ABSTAINED:** None

**ABSENT:** None

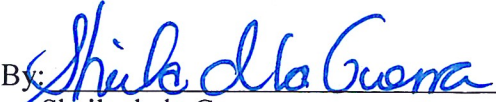
"COUNTY"

"COUNTY SANTA BARBARA"

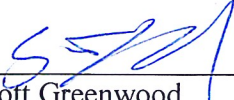
a political subdivision of the State of California

By:   
Steve Lavagnino, Chair  
Board of Supervisors


ATTEST:  
MONA MIYASATO  
CLERK OF THE BOARD

By:   
Sheila de la Guerra  
Deputy Clerk

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By:   
Scott Greenwood  
Deputy County Counsel

APPROVED AS TO ACCOUNTING:  
BETSY M. SCHAFFER, CPA  
AUDITOR-CONTROLLER

By:   
C. Edwin Price, Jr.  
Deputy Auditor-Controller

# ATTACHMENT “1”

## TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement (“TCE”) to enter upon and use the real property described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein for the construction of the Fernald Point Lane Bridge Replacement Project at Romero Creek # 862330 (“Project”).

The TCE contains approximately 881 sq.ft. and permits use and occupancy of the real property described in Exhibit A necessary for the purpose of constructing the Project. Vehicular and pedestrian access to the larger parcel from which the TCE is taken shall remain open to owner at all times. Project construction and TCE use will be completed so that access to and from the public system of streets and highways shall be maintained to the larger parcel containing the TCE throughout its term.

The Temporary Construction Easement shall be for a period of twenty-eight (28) consecutive months commencing on or about September 10 2019 and terminating thereafter on, about or before December 31, 2021, or upon notification of the filing of a “Notice of Completion” or otherwise in writing by the County of Santa Barbara, if earlier.

The metes and bounds description of the TCE area is set forth in Exhibit “A” and depicted on Exhibit “B” as follows:

# Exhibit "A"

## TEMPORARY CONSTRUCTION EASEMENT

### DRIVEWAY CONFORM

APN: 007-380-006

### LEGAL DESCRIPTION

That portion of the Fernald Tract, in the unincorporated territory of the County of Santa Barbara, State of California, shown on the map filed in the office of the County Recorder of said County in Book 8, Page 9 of Maps & Surveys, dated December 1914, described as follows:

COMMENCING at the northwest corner of Parcel 1 of Parcel Map No. 13,506 in said County, as per map recorded in Book 41, Pages 68 and 69 of Parcel Maps in the office of said County Recorder of said County, thence;

- 1) North 81°54'00" East, along the northerly line of said Parcel 1, 180.00 feet, to the northeast corner thereof, thence;
- 2) Along the easterly line of said Parcel 1, South 15°17'30" East, 87.00 feet, to the easterly most corner of said Parcel 1 and on the southerly Right Of Way line of Fernald Point Lane as shown on said Parcel Map, and the TRUE POINT OF BEGINNING, thence;
- 3) From said TRUE POINT OF BEGINNING, along and easterly line of said Parcel 1, and said southerly Right Of Way line of said Fernald Point Lane, South 64°57'16" West, 42.89 feet, to an angle point on an easterly line of said Parcel 1 as shown on said Parcel Map, thence;
- 4) Along an easterly line of said Parcel 1, South 09°02'47" East, 20.81 feet to a point, being on a line 20 feet offset southerly from said southerly Right Of Way line of said Fernald Point Lane, thence;
- 5) Along said 20 foot offset line, North 64°57'16" East, 45.19 feet, to a point on the line which bears South 15°17'30" East, from the herein above described TRUE POINT OF BEGINNING, being the easterly line of that John J. Mitchell parcel shown on the map of the Fernald Tract recorded in Book 19, Page 171 of Record of Survey, thence;
- 6) Along said easterly line of said John J. Mitchell parcel shown on said Record of Survey map of said Fernald Tract, North 15°17'30" West, 20.29 feet, to the TRUE POINT OF BEGINNING.

End of Description

Containing 881 square feet, more or less.

(See attached exhibit map made a part hereof)

This legal description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.

*E. Terrell Matlovsky*

E. Terrell Matlovsky, PLS 8629

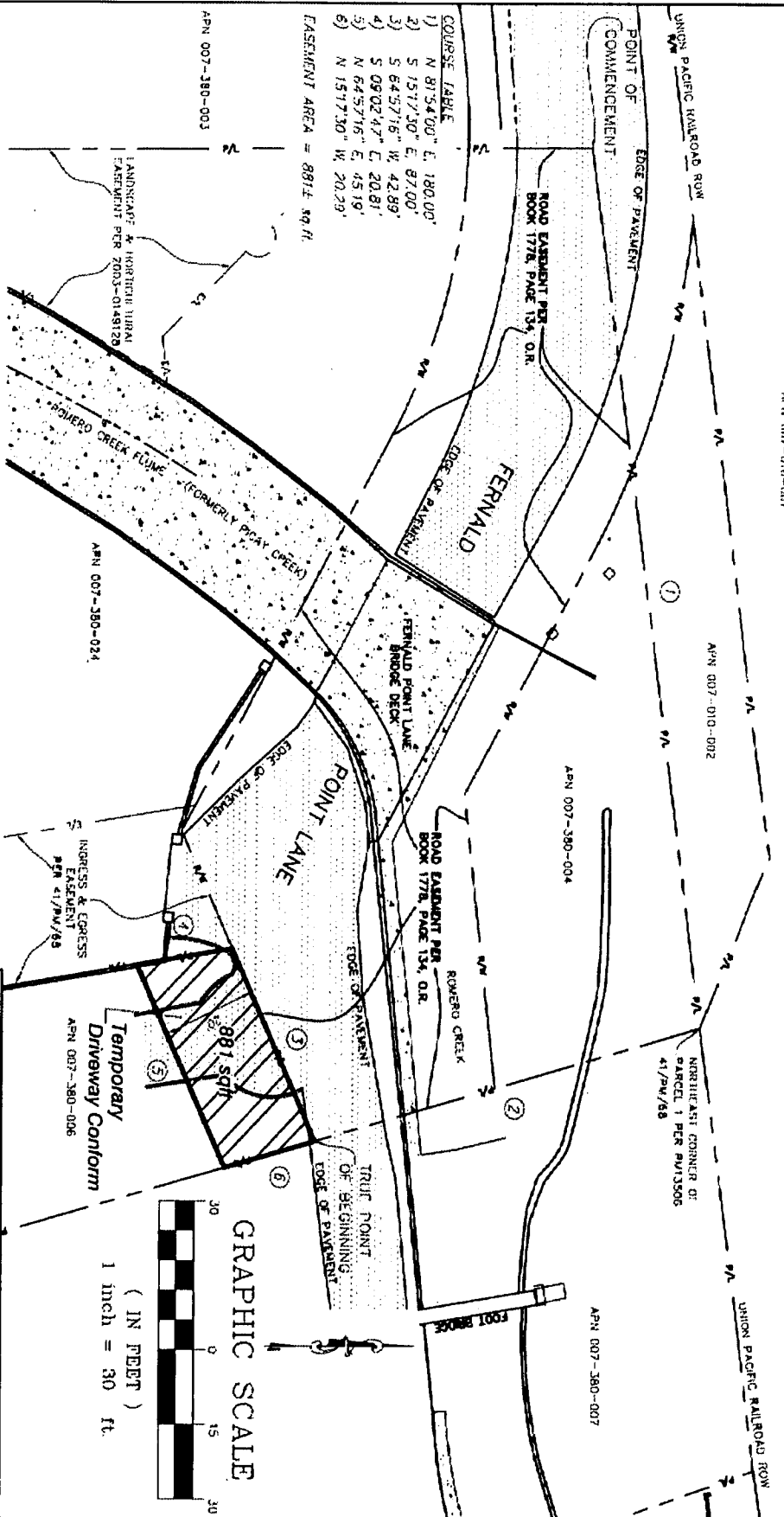
S951\_962330\_TempConEasement  
Driveway Conform  
1767 Fernald Point Ln.  
Portion of APN 007-380-006



*9/27/2018*

Date

**Exhibit "B"**



**COURSE TABLE**

- 1) N 87°54'00" E. 180.00'
- 2) S 151°30' E. 87.00'
- 3) S 64°57'16" W. 42.89'
- 4) S 08°02'47" E. 20.81'
- 5) N 64°57'16" E. 45.19'
- 6) N 151°30' W. 20.29'

EASEMENT AREA = 881± sq. ft.

THIS EXHIBIT MAP WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

*E. Tenell Matlovsky*

**E. TENELL MATLOVSKY**

*12/27/2016*

**DATE**



COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS  
COUNTY SURVEYOR'S OFFICE

**TEMPORARY CONSTRUCTION EASEMENT  
DRIVEWAY CONFROM  
FERNALD POINT LANE  
Portion of APN: 007-380-006  
SANTA BARBARA COUNTY, CALIFORNIA  
OCTOBER 2016**

**5957**