



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: Public Works
Department No.: 054
For Agenda Of: November 21, 2006
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:
Vote Required: 4/5

TO: Board of Directors, Flood Control and Water Conservation District
FROM: Board Member(s) Phillip M. Demery, Director
Public Works Department 568-3010
Contact Info: Tom Fayram; Deputy Director
Flood Control and Water Conservation District 568-3436
SUBJECT: Acceptance of Easements by Flood Control re: 116 Chapala Street, Santa Barbara

County Counsel Concurrence:

As to form: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Other Concurrence: N/A

As to form: Yes No N/A

Recommended Action(s):

- A. Accept a permanent easement from Mr. and Mrs. Boucher, by authorizing the Clerk of the Board of Directors to sign the "Certificate of Acceptance" attached thereto; and
- B. Accept the "Irrevocable Offer to Dedicate" also from Mr. and Mrs. Boucher, by authorizing the Clerk of the Board of Directors to sign the "Certificate of Acceptance" attached thereto. Both documents are in regards to 116 Chapala Street in the City of Santa Barbara.

Summary:

Mr. and Mrs. Boucher own 116 Chapala Street in the City of Santa Barbara (APN 033-074-010- herein referred to as the "Property"). If accepted by Flood Control, the maintenance easement will impact only that portion of the Property which currently lies within Mission Creek.

The Irrevocable Offer to Dedicate grants to Flood Control the right to perform specific construction operations on the Property if the Mission Creek Flood Control Project is funded and constructed.

The Bouchers agreed to the conditions and executed both the Easement and the Irrevocable Offer to Dedicate.

Background:

The Bouchers submitted plans to remodel their home at 116 Chapala to the City of Santa Barbara. As part of the permit process the Santa Barbara County Flood Control and Water Conservation District (hereinafter the "District") required them to dedicate the Maintenance Easement and the Irrevocable

Offer to Dedicate. If accepted the maintenance easement will impact the portion of the Property that currently lies within Mission Creek and will go into effect immediately upon recordation. The Irrevocable Offer to Dedicate grants Flood Control the right to perform specific construction operations on the Property but will not go into effect until the Mission Creek Improvement Project is funded and constructed.

The areas of the Property impacted by each easement are specifically described on Exhibits attached to those documents.

Fiscal and Facilities Impacts:

Budgeted: Yes No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative: There is no charge for the easement or the Offer to Dedicate. The Real Property staff time required to process both documents is paid for by Flood Control. Costs associated with the Lower Mission Creek Flood Control Project are included in the 2006-07 Adopted Budget as identified under the Design Cost Center of the Water Resources Division of the Public Works Department on page D-322 in the budget book. The project is also included in the County’s 2006-2011 Capital Improvement Plan on page B-74.

Staffing Impact(s):

Legal Positions:

FTEs:

Special Instructions:

- | | |
|----------------------------------|--|
| 1. Minute Order | J. Havlik, Surveyor’s Office & C. Lopez- Flood Control |
| 2. Original Easement Acceptance | Jeff Havlik, Surveyor’s Office |
| 3. Copy of Easement Acceptance | Clerk of the Board files |
| 4. Original Offer to Dedicate | Jeff Havlik, Surveyor’s Office |
| 5. Copy of the Offer to Dedicate | Clerk of the Board files |

Note: Real Property will deliver both documents for recordation. After recordation Real Property will deliver the original documents to the Clerk of the Board with a request for certified copies for the

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Property owners and the City of Santa Barbara. The original documents will be retained by the Clerk of the Board.

Attachments:

Exclusive Easement Deed

Irrevocable Offer to Dedicate

Authored by:

J. Jeffery Havlik

Real Property

568-3073

cc:

Dale Weber, Flood Control