



**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

Submitted on:
(COB Stamp)

Department Name: Public Works
Department No.: 054
For Agenda Of: August 1, 2006
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director: Phillip M. Demery, Director
Public Works Department 568-3010
Contact Info: Scott McGolpin; Deputy Director Public Works 568-3064
Mike Emmons; County Surveyor 568-3020
SUBJECT: Los Olivos Road Vacations Project

County Counsel Concurrence:

As to form/legality: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Recommended Action(s):

Authorize the Chair of the Board of Supervisors to:

- A. Approve the attached Notice of Exemption pursuant to California Environmental Quality Act (CEQA) guidelines regarding the subject vacation of County road easement and right-of-way in the Town of Los Olivos.
- B. Adopt the attached Resolution of Summary Order to Vacate with the Reservation of a Public Trail and Drainage Easement and Public Utility Easements over portions of road easement right-of-way along Olivet Avenue, Cuesta Street, and a 20-foot-wide alleyway in the town of Los Olivos.

Summary:

This board action will remove the County's road easements over portions of excess road rights-of-way in the town of Los Olivos. The areas to be vacated are not required for present or future roadway purposes. A ten-foot (10') wide easement for pedestrian ingress and egress and surface drainage will be reserved and excepted in order to provide pedestrian access to Los Olivos School, and public utility easements will also be reserved and excepted for in-place and in-use public utilities.

Background:

The County acquired easements and rights of way for public roadways known as Olivet Avenue, Cuesta Street, and the twenty-foot (20') wide alleyway in Block 24 between Hollister Street and Olivet Avenue

(the "Roadways") in the unincorporated area of the County known as Los Olivos, by that certain Map of Los Olivos filed as Map 6, Rack 3, in the Office of the County Recorder.

Portions of the Roadways are excess right of way not required for street or highway purposes and are unnecessary for present or prospective public use.

A number of property owners whose properties are encumbered by the Roadways have petitioned the County to abandon the excess portions encumbering their properties (the "Excess Portions"). Additionally, a smaller number of property owners whose properties are encumbered by the Roadways elected not to join the petition and incur the costs associated with having excess right of way encumbering their properties abandoned.

In order to provide for the equitable treatment of all members of the public, the Public Works Department's current policy is to abandon right of way only for those owners who are willing to pay for the costs associated with abandoning the right of way. Therefore, solely the subject portions are being abandoned for those property owners who have elected to join the petition and pay the necessary fees.

At the Planning Commission hearing of June 22, 2006, the Planning Commission found the County's abandonment of the Excess Portions to be in conformity with the County's General Plan in accordance with Government Code Section 65402.

In accordance with Section 8331(a) of the California Streets and Highways Code, for a period of five (5) consecutive years, the subject Roadways and Excess Portions have been impassable for vehicular travel, and are therefore eligible for summary vacation.

In accordance with Section 8331(b) of the California Streets and Highways Code, no public money was expended for maintenance of the subject Roadways and Excess Portions, and are therefore eligible for summary vacation.

In accordance with Section 8334(a) of the California Streets and Highways Code, the Excess Portions are excess right of way not required for street or highway purposes, are unnecessary for present or prospective public use, and are therefore eligible for summary vacation.

In accordance with Section 892(a) of the California Streets and Highways Code, a part of the Excess Portions is useful as a footpath and trail for pedestrian travel to Los Olivos School at 2540 Alamo Pintado Avenue, and is also useful for drainage purposes, and therefore the County shall reserve a permanent ten-foot (10') wide easement for pedestrian ingress and egress and surface drainage.

In accordance with Sections 8334.5 and 8340(c) of the California Streets and Highways Code, parts of the Excess Portions are occupied by in-place public utility facilities which are in use, and therefore the County shall reserve and except permanent easements for such utilities so that they are not affected by the vacation.

The vacation of the Excess Portions will not impair public or private access, nor will it affect existing or future traffic circulation.

The vacation of the Excess Portions is in the public interest, in that the County will be relieved of liability for the Excess Portions to be vacated, and the County Public Works Director recommends vacation of the Excess Portions.

Fiscal and Facilities Impacts:

Budgeted: Yes No

Fiscal Analysis:

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

Narrative: No fiscal impacts. Costs for project completion paid for by property owners-petitioners.

Staffing Impact(s):

Legal Positions:

FTEs:

Special Instructions:

After Board action, distribute as follows:

- | | | |
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| 1. | <u>Original</u> Notice of Exemption | Clerk of the Board Files |
| 2. | <u>Copy</u> of Notice of Exemption | Surveyor's Division,
Attn: Harrison Heyl |
| 3. | <u>Copy</u> of Order to Vacate | Clerk of the Board Files |
| 4. | <u>Original</u> Order to Vacate | Surveyor's Division,
Attn: Harrison Heyl |
| 5. | Minute Order | Transportation Division,
Attn: Bret Stewart |
| 6. | Minute Order | Surveyor's Division, Attn:
Harrison Heyl |

The Real Property Section of the Surveyor's Division will deliver the original Resolution of Summary Order to Vacate to the Recorder's Office for recordation. Upon recordation, Real Property shall deliver the original Resolution of Summary Order to Vacate to the Clerk of the Board for its files, and Real

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Property will keep copies of the recorded resolution in its files as well. Clerk of the Board shall keep the original Notice of Exemption in its files to begin a 35-day statute of limitations on legal challenges.

Attachments: (list all)

- (1) Notice of Exemption
- (2) Resolution of Summary Order to Vacate

Authored by:

Harrison Heyl, Real Property Section, Surveyor's Division, phone 568-3072

cc: