

Recording requested by
and to be returned to:
Santa Barbara County Surveyor
Real Property
Will Call

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

Document entitled to free recordation
Pursuant to Government Code Section 6103

This Resolution is not Valid Until Recorded
SPACE ABOVE THIS LINE FOR RECORDER'S USE

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

In the Matter of the Summary)	RESOLUTION NO. _____
Vacation of a Portion of Bodger)	
Road near Lompoc, California,)	STREETS AND HIGHWAYS
Third Supervisorial District)	CODE SECTIONS 8331 et seq.

**SUMMARY ORDER TO VACATE A PORTION OF A COUNTY ROAD
KNOWN AS BODGER ROAD**

WITH THE RESERVATION AND EXCEPTION OF THE FOLLOWING:

**A PERMANENT RECREATIONAL TRAIL EASEMENT,
THE RIGHT TO PASS FOR EMERGENCY VEHICLES,
A PERMANENT EASEMENT FOR IN-PLACE PUBLIC UTILITIES,
THE RIGHT TO INSTALL OR HAVE UTILITIES INSTALLED, and
A "NO BUILD" BUILDING RESTRICTION.**

WHEREAS, the County of Santa Barbara (hereinafter "COUNTY") is the owner of that certain road right-of-way easement in the unincorporated area of the County of Santa Barbara, State of California, commonly identified as Bodger Road, Lompoc (the "Road"), which Road was acquired in fee simple absolute interest by COUNTY by Deed recorded as Official Record Book 417 page 63, on October 6, 1937. The fee was transferred to the underlying property owner by Parcel Map Book 55, pages 63-68 on July 23, 2001. Thus the County's ownership is now easement; and

WHEREAS, in the interest of public safety and litter abatement, a portion of the Road (the "Portion") has been blocked to vehicular access for several years; and

WHEREAS, the COUNTY desires to remove the Portion from its maintained section inventory; and

WHEREAS, in accordance with Government Code Section 65402 the Planning Commission found at its hearing of ????, 2010, that the proposed vacation of the Portion by the COUNTY is in conformity with the COUNTY'S adopted General Plan; and

WHEREAS, it has been determined by the COUNTY'S Public Works Department that the Portion is unnecessary for present or future public use for vehicular travel; and

WHEREAS, in accordance with Section 8340(c) of the California Streets and Highways Code, the COUNTY is required to reserve and except from the vacation of the Portion an easement and rights necessary for utility providers to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use; and

WHEREAS, in accordance with Section 892(a) of the California Streets and Highways Code the Portion has been determined to be useful as a nonmotorized transportation facility; and

WHEREAS, a permanent easement for emergency vehicles and recreational trail easement will be reserved and excepted from the proposed vacation of the Portion and shall survive the vacation of the Portion in perpetuity so that emergency personnel and the public shall continue to have unimpeded access to the Portion; and

WHEREAS, the COUNTY shall also reserve a "no build" building restriction on the Portion to ensure that no fences, improvements or other impediments are installed on the Portion which would impede the public's use thereof; and

WHEREAS, the Santa Barbara County Parks Department has agreed to be responsible for and shall maintain the Portion.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of the County of Santa Barbara does hereby find, determine and order as follows:

1. That the above recitals are true and correct.
2. That the Portion, legally described on Exhibit A and shown on Exhibit B attached hereto and incorporated herein by this reference, is hereby summarily vacated as a County road right of way pursuant to California Streets and Highways Code Sections 892(a), 8334(a), 8334.5 and 8335.

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
Re: Bodger Road Vacation

3. That a permanent easement and right-of-way for the present and future use, construction, reconstruction, repair, and maintenance of a recreational trail easement is hereby reserved and excepted from the vacation of the Portion, and shall survive the vacation of the Portion in perpetuity for the benefit of the public and the COUNTY.
4. That in accordance with Section 8334.5 and 8340(c) of the California Streets and Highways Code, a permanent easement and right to maintain, operate, replace, remove and renew any in-place and in-use public utility facilities is hereby reserved and excepted from the vacation of the Portion, and shall survive the vacation of the Portion in perpetuity.
5. That in accordance with Section 8340(a) of the California Streets and Highways Code, the COUNTY, its successors and assigns shall have the continued right to install, operate, maintain and replace utilities within the Portion, and the right to grant those rights to others.
6. That a building restriction and “no build” zone is hereby reserved and excepted from the vacation of the Portion, and shall survive the vacation of the Portion in perpetuity, in order to ensure that no fences, improvements or other impediments are installed on the Portion and the public continues to have unimpeded access to and along the recreational trail easement.
7. That the Santa Barbara County Parks Department shall manage and maintain the Portion in a safe and passable manner.

///
///
///

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA
Re: Bodger Road Vacation

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: _____
Chair, Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

APPROVED AS TO CONTENT
THOMAS D. FAYRAM
INTERIM DIRECTOR OF PARKS

By: 
Michael Ledbetter
Deputy County Counsel



All that right-of-way known as Bodger Road as dedicated to the County of Santa Barbara recorded in Book 417, Page 63 of Official Records of the County Recorder of Santa Barbara County lying within Parcel 2 of Parcel Map 14542 recorded in Book 55, Pages 63-64 of Parcel Maps in the office of the County recorder in the County of Santa Barbara, California.

