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Real Property
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**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. _____

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

In The Matter of the Summary Vacation)
of an Unused Portion of the Orcutt Road)
Right-of-Way in the Unincorporated Area) STREETS AND HIGHWAYS
of Santa Barbara.) CODE SECTION 8330 et seq.

**SUMMARY ORDER TO VACATE
(PORTION OF A COUNTY RIGHT-OF-WAY)**

WHEREAS, the County of Santa Barbara (hereinafter "COUNTY") is the fee owner of that certain road right-of-way in the unincorporated area of the County of Santa Barbara, State of California, commonly identified as a portion of Orcutt Road in Orcutt. Said portion was acquired by the COUNTY in 1965 via Book 2118 page 957 of Official records and lies adjacent to APNs 109-200-010, -037 and -038 (herein the "Properties"); and

WHEREAS, P.R. Investments, LLC as the fee owner of two of the above listed Properties has received approval from the Santa Barbara County Planning Commission and the Santa Barbara County Planning Department to construct a multi tenant commercial development known as "Evergreen Village" on parcels 109-200-037 and -038 (the "Evergreen Properties"). As part of their long range plans for the Evergreen Village project, and in accordance with the Orcutt Community Plan, the owners thereof requested the vacation of the Portion; and

WHEREAS, based upon the Evergreen Village development plans reviewed and approved by the Santa Barbara County Planning Department, and the potential to improve public safety at the Highway 135 and Lakeview Road intersection as acknowledged in the Orcutt Community Plan, the County's Public Works Department, Transportation Division has determined it is in the public interest to vacate the public right-of-way referred to herein as the Portion; and

WHEREAS, the vacation will not deny any adjacent property owner(s) access to his/ her property; and

WHEREAS, P.R. Investments, LLC has agreed to maintain the Portion in good condition, and will coordinate with Transportation in order to maintain traffic safety on the Portion and surrounding public streets; and

WHEREAS, P.R. Investments, LLC agrees not to reconfigure or close the Portion without first coordinating with the County of Santa Barbara, Public Works Transportation Division and obtaining permits to do so from all appropriate agencies; and

WHEREAS, the parcel currently identified as Santa Barbara County Assessor's parcel number 109-200-010 (including any parcels legally created therefrom), and served by the Portion shall continue to have the right of ingress and egress across the section of the Portion located directly adjacent to said property; and

WHEREAS, in accordance with Section 8334(a) of the California Streets and Highways Code, the Public Works Department has determined that the Portion is excess right-of-way not required for street or highway purposes, is unnecessary for present or prospective public use, and is therefore eligible for summary vacation; and

WHEREAS, pursuant to Streets and Highways Code sections 8334.5 it has been determined that there are no in-place public utility facilities in the Portion which will be affected by the vacation and therefore it is entitled to a Summary Vacation; and

WHEREAS, pursuant to Section 892(a) of the Streets and Highways Code the Santa Barbara County Public Works Department has determined that no part of the Portion is necessary for present or prospective public use as a nonmotorized transportation facility (as defined in Section 887 of the Streets and Highway Code); and

WHEREAS, vacation of the Portion is in the public interest, in that the County will be relieved of liability for the Portion if it is vacated; and

WHEREAS, the Board of Supervisors of Santa Barbara County deems it to be in the best interest of the public to declare that the Portion is in excess of COUNTY'S present and foreseeable needs.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, the Board of Supervisors of COUNTY does hereby find, determine and order as follows:

1. That the above recitals are true and correct; and

2. That the portion of the Orcutt Road right-of-way being vacated is particularly described and shown on "Exhibit A" attached hereto and incorporated herein (the "Portion"); and
3. That the Portion is unnecessary for present or prospective public use; and
4. That reserved from this vacation are the rights of the Southern California Gas Company, including its successors and assigns to operate, maintain, or replace, its facilities within the area described in the legal description attached hereto and incorporated herein as "Exhibit B"; and
5. That reserved from this vacation are the rights of the owners of Santa Barbara County Assessor's parcel number 109-200-010 (including any parcels legally created therefrom), and served by the Portion shall continue to have the right of ingress and egress across the section of the Portion located directly adjacent to said property as shown on "Exhibit C" attached hereto and incorporated herein. Said ingress and egress area shall meet minimum standards as set by the Santa Barbara County Fire Department, and shall be maintained by P.R. Investments, LLC or its successors in interest in good condition; and
6. That the Portion is hereby summarily vacated as County road easement and right-of-way pursuant to California Streets and Highways Code Sections 892(a), 8334(a), and 8334.5; and
7. That this Resolution, attested to by the Clerk of the Board under the seal of the Board, shall be recorded in the Office of the County Recorder in the County of Santa Barbara, State of California, and that the date of recording shall become the effective date of this Summary Order to Vacate; and
8. From and after the effective date, the vacated Portion no longer constitutes a public street or right-of-way.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Chair, Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

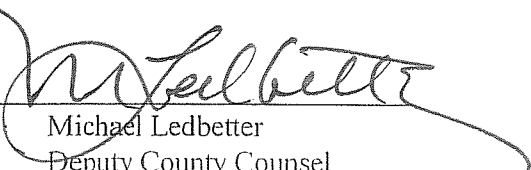
By: 
Michael Ledbetter
Deputy County Counsel

Exhibit "A"
Legal Description
Public Road Abandonment

A portion of California State Highway 135 right of way relinquished to the County of Santa Barbara per deed recorded August 27, 1965 in Book 2118, Page 957 Official Records, in the County of Santa Barbara, State of California, and more particularly described as follows:

Beginning at Northwesterly corner of Lot 1 of Evergreen Acres as shown on map filed in Book 117, Page 74 of Record of Surveys, in the office of county recorder of said County;

Thence North 88 degrees 25 minutes 23 seconds West, 157.30 feet, along the Southerly line of Winter Road as shown on said Record of Survey map, to the Easterly line of Orcutt Expressway (State Highway 135) as shown on said Record of Survey map and the true point of beginning;

Thence Southerly along said easterly line the following courses:

Thence South 07 degrees 48 minutes 01 seconds West, 723.58 feet;

Thence South 01 degrees 35 minutes 50 seconds West, 444.23 feet to an angle point shown on said Record of Survey map;

Thence North 88 degrees 25 minutes 27 seconds West, 46.86 feet to the Westerly line of said relinquishment;

Thence Northerly along the said Westerly line the following courses:

Thence North 10 degrees 34 minutes 48 seconds West, 16.65 feet;

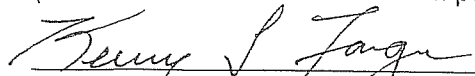
Thence North 01 degrees 34 minutes 30 seconds East, 235.78 feet to the beginning of a curve concave to the east having a radius of 4429.40 feet;

Thence Northerly along said curve an arc distance of 508.96 feet through a central angle of 06 degrees 35 minutes 01 seconds;

Thence North 08 degrees 09 minutes 12 seconds East, 406.32 feet, more or less, to the Southerly line of said Winter Road;

Thence South 88 degrees 25 minutes 23 seconds East, 53.24 feet, along said Southerly line, to the true point of beginning, containing 1.39 acres, more or less.

(see attached Exhibit B made a part hereof)

 9-23-09
Kenny L. Fargen L.S. 4597 date
license expiration date: 9-30-11

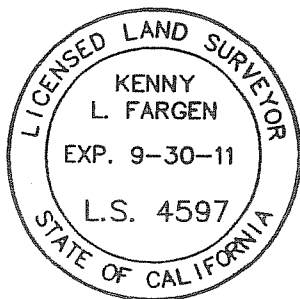
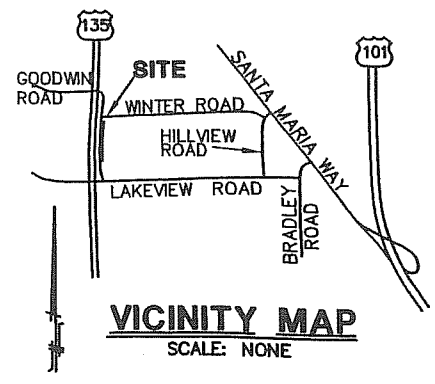
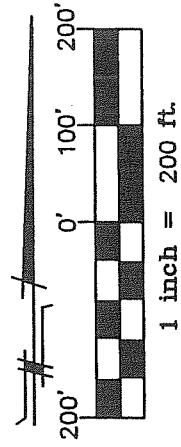
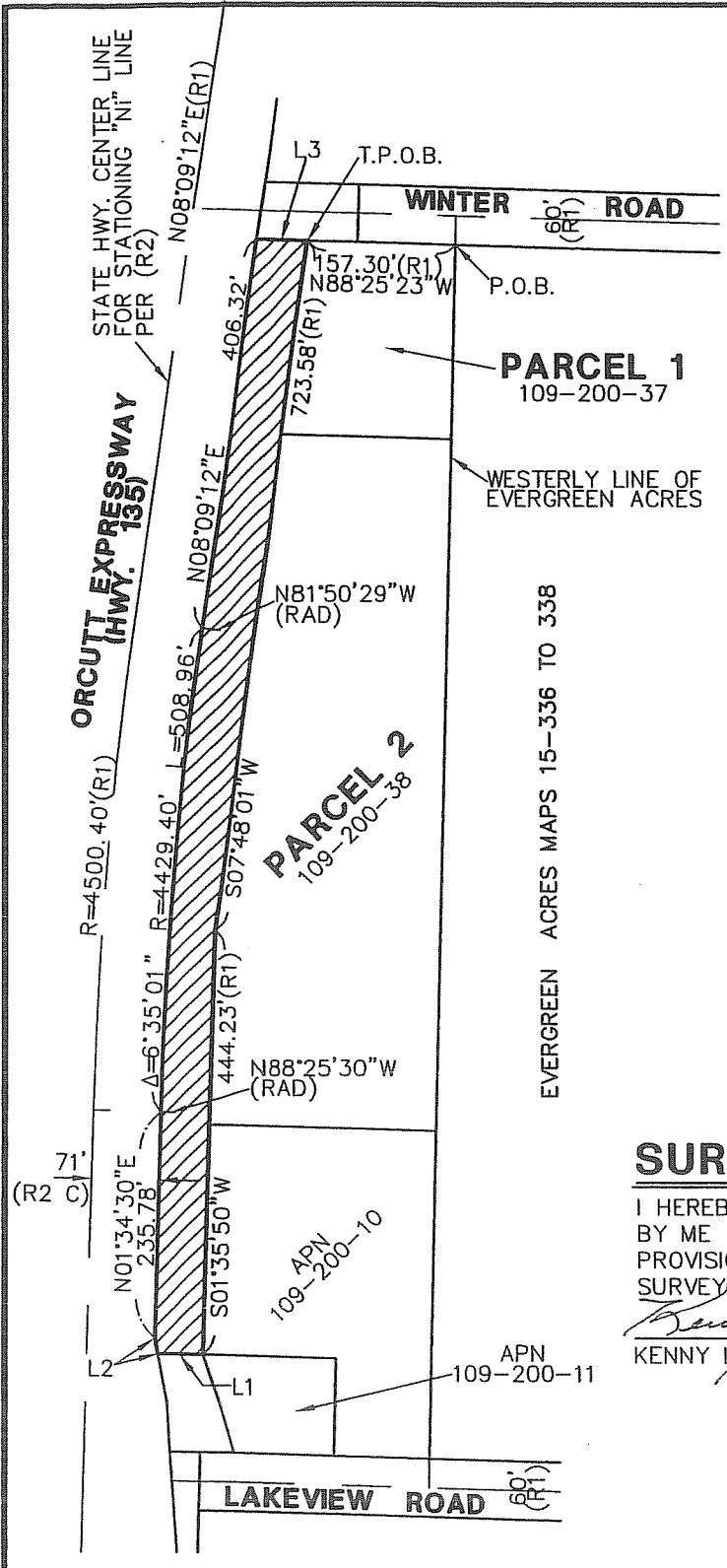


EXHIBIT A



LINE TABLE

LINE	LENGTH	BEARING
L1	46.86'	N88°25'27"W
L2	16.65'	N10°34'48"W
L3	53.24'	S88°25'23"E

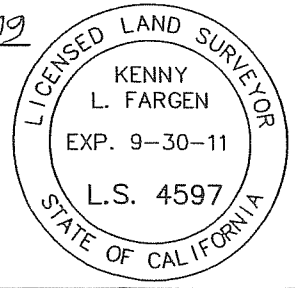
LEGEND

- (C) DENOTES CALCULATED DATA
- (R1) DENOTES RECORD DATA PER R.S 117-74
- (R2) DENOTES RECORD DATA PER CALIF. DIV. OF HIGHWAYS RIGHT OF WAY MAP (V-SB-2-N) DATED NOV., 1956
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING
- ABANDONMENT AREA

SURVEYORS STATEMENT

I HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION UNDER THE PROVISIONS OF SECTION 8726 OF THE LAND SURVEYORS ACT.

Kenny L. Fargen 9-23-09
 KENNY L. FARGEN L.S. 4597 DATE



FARGEN SURVEYS INC.

2624 AIRPARK DRIVE
 SANTA MARIA, CALIFORNIA 93455
 PHONE: 805-934-5727
 FAX: 805-934-3448
 DATE: SEPT., 2009

AN ABANDONMENT OF A PORTION OF STATE HIGHWAY 135 RIGHT OF WAY RELINQUISHED TO THE COUNTY OF SANTA BARBARA PER 2118-OR-957, IN THE COUNTY SANTA BARBARA, STATE OF CALIFORNIA.

EXHIBIT A

A non-exclusive easement to lay, construct, maintain, operate, repair, replace, patrol, change the size of, add to, or remove from time to time, as Grantee deems necessary, one or more pipelines and conduits, together with metering, measuring, regulating, cathodic protection, communications and other appurtenances (all hereinafter referred to as the "Facilities") for the transportation of gas, energy, communications, petroleum products and other substances (whether or not such substances are transported at any particular time), over, under, through, along, and together with the reasonable right of ingress and egress to and from the easement Facilities and the right to use Grantor's abutting property during construction of the Facilities.

Legal Description of Easement area:

A 15.00 foot wide strip of land measured at right angles, lying West of, parallel to, and adjoining the following described line:

Beginning at the Northwest corner of the parcel described as the Southerly 81.50 feet of the Northerly 231.50 feet between parallel lines of the Westerly 270 feet of the West half of the Southwest Quarter of Section 35, Township 10 North, Range 34 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, as shown on Official Plat in the District Land Office April 11, 1873.

Excepting therefrom those portions included within the lines of Evergreen Acres, as shown on map thereof recorded in Book 15, Pages 336, 337, and 338 of Maps, in the office of the County Recorder of said County.

Also excepting therefrom that portion described in the deed to the State of California recorded February 20, 1958 as Instrument No. 3982 in Book 1505, Page 44 of Official Records of said County.

Commencing from said Northwest corner, thence South 7°48'01" West for a distance of 723.58 feet to a point; thence South 1°35'50" West for a distance of 444.23 feet to the end point of said line.

And as shown on the plat attached hereto as Exhibit "B" and made a part hereof.

This legal description was prepared by Southern California Gas Company for an easement for utility distribution lines and service facilities pursuant to the exemption granted by California Business and Professions Code Section 8730 [C].

EXHIBIT B

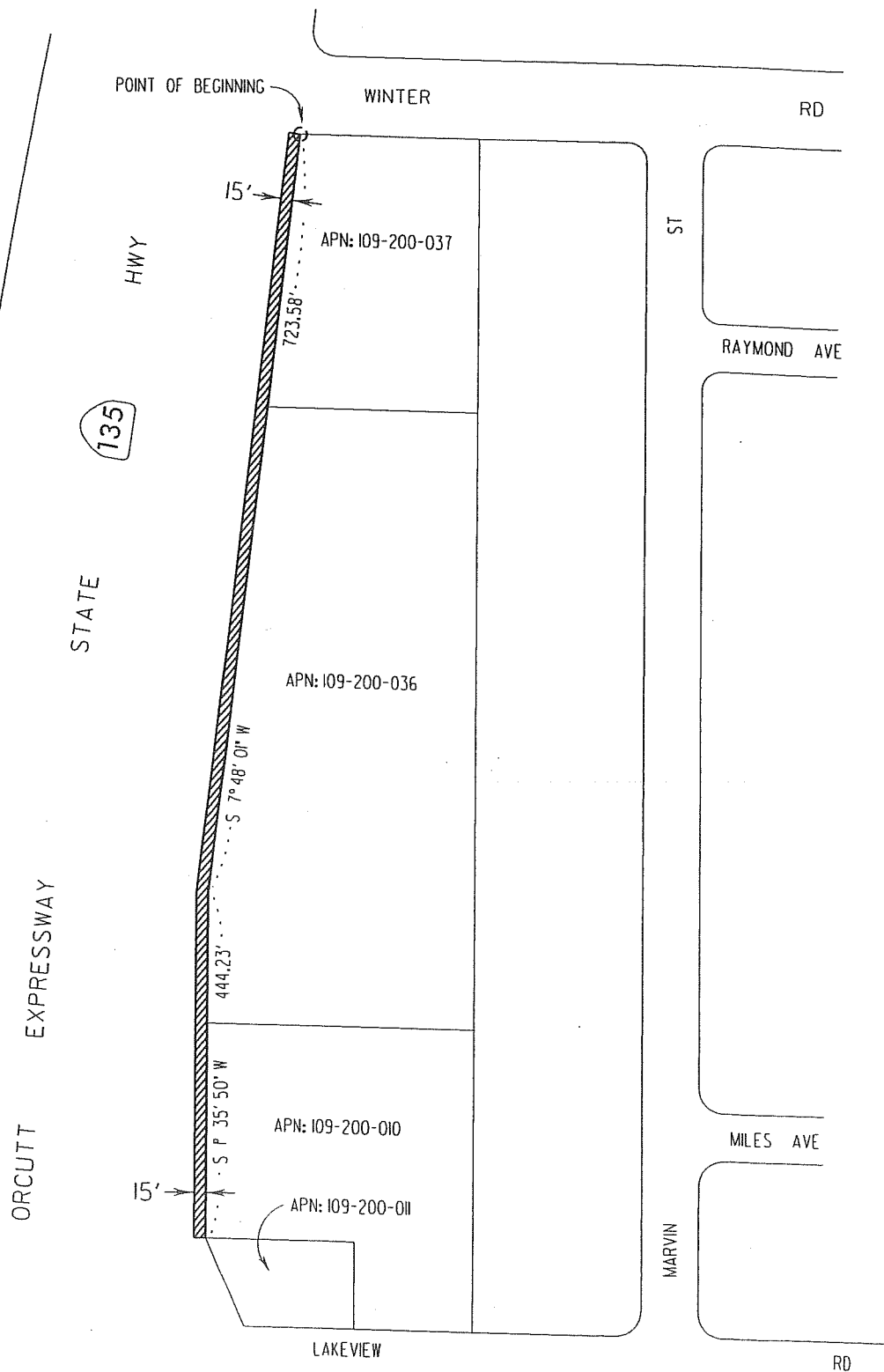
EXHIBIT "B"

DRAWN BY: NAME/DATE

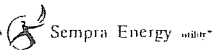
AJS 1-8-10



scale = n/a



SOUTHERN CALIFORNIA GAS COMPANY



SCALE: N/A

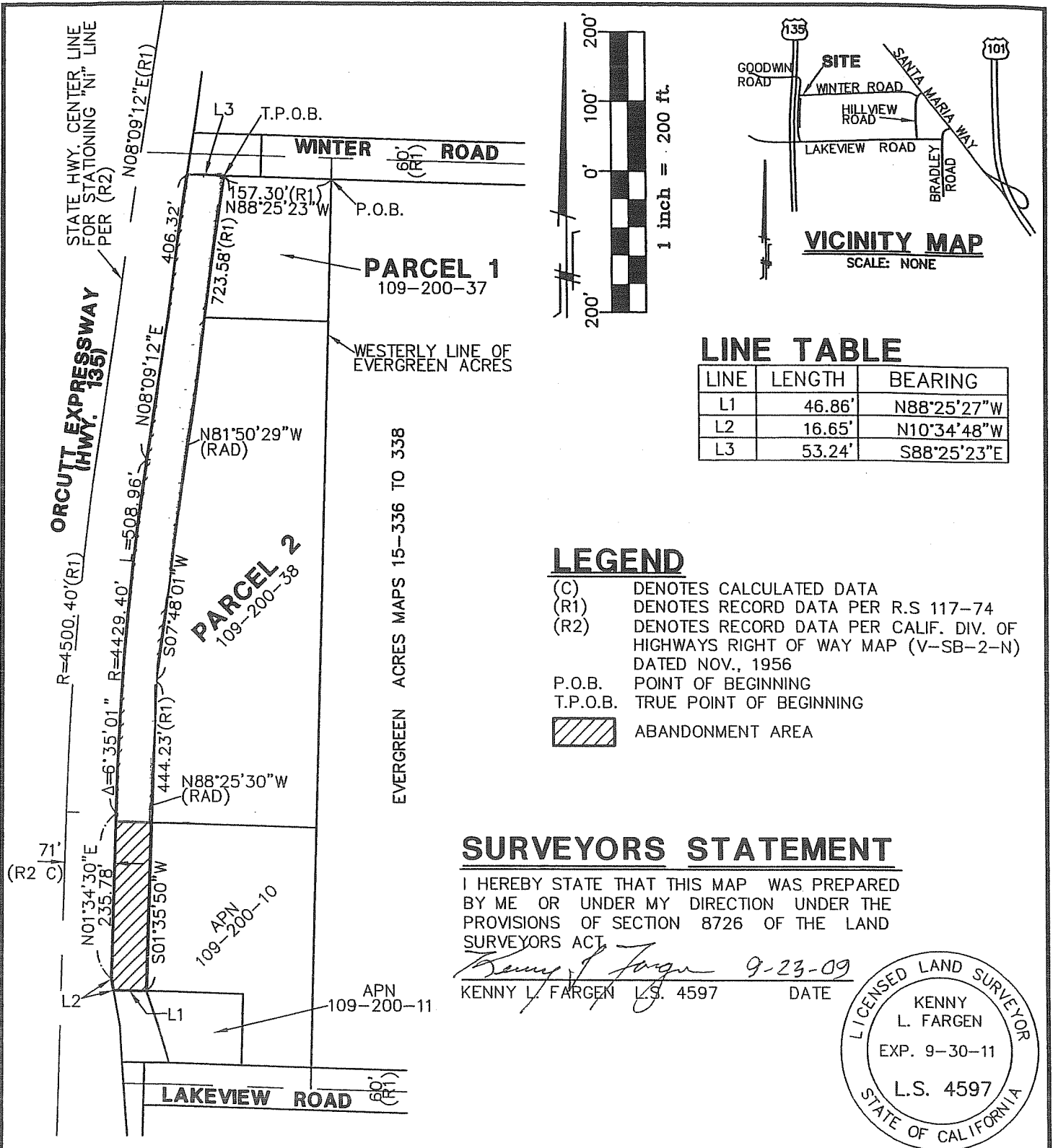
ATLAS #: SBA 5659-2

R/W #:

W.O. #:

FILE: orcuttrdvacatio

EXHIBIT B



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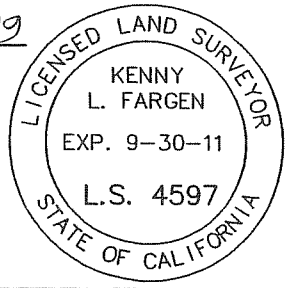
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EXHIBIT C