



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: June 18, 2013
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District
FROM: Department Scott D. McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436
SUBJECT: Lower Mission Creek Flood Control Project, Reach 1B; Execution of Purchase Contract and Acceptance of Permanent Easement for 118 Chapala, County Project No. SC8042, 2nd Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute the attached original Real Property Purchase Contract and Escrow Instructions with Donald A. Campbell and Joy D. Kelly, for the purchase of a permanent easement over a portion of their property known as 118 Chapala Street in the City of Santa Barbara (APN 033-074-011) in the amount of \$5,000.00 in connection with the Lower Mission Creek Flood Control Project;
- b) Accept the Grant of Permanent Nonexclusive Easement by authorizing the Clerk of the Board to execute the Certificate of Acceptance attached to said easement; and
- c) Find that pursuant to CEQA Guidelines Section 15162, no substantial changes are proposed, and no new information of substantial importance has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures, and therefore the proposed execution of the Real Property Purchase Contract and Escrow Instructions, and the acceptance of the Grant of Easement are within the scope of the project covered by the previously-certified EIS/EIR for the Lower Mission Creek Flood Control Project as well as the Findings and Statement of Overriding Considerations accepted by the Board as a Responsible Agency on May 11, 2011, and no new environmental document is required. The findings,

statement of Overriding Considerations, EIS/EIR and associated information can be found at:
<http://santabarbara.legistar.com/LegislationDetail.aspx?ID=874496&GUID=D14C4C9B-DEDF-48CB-AB30-D52A228FB5A2>

Summary Text:

The property owners have executed the Real Property Purchase Contract and Escrow Instructions (“Contract”) and the Grant of Permanent Nonexclusive Easement (“Grant Deed”), both for the purpose of conveying a permanent easement to the Santa Barbara County Flood Control and Water Conservation District for construction and operation of a portion of the Lower Mission Creek Flood Control Project on a portion of 118 Chapala. The purchase price of the easement is \$5,000.00. Execution of the Contract by the Board allows for the continuation of escrow and allows construction to commence as required. After execution the Contract, Grant Deed and Certificate of Acceptance will be delivered to escrow where they will be held pending release of all Contract contingencies. Recordation of the Grant Deed and Acceptance will signal completion of this transaction. Ownership of the subject property rights is required for the construction and operation of Reach 1B (between Mason and Yanonali Streets) of the Lower Mission Creek Flood Control Project.

Background:

The Lower Mission Creek Flood Control Project (“Project”) is a federal U.S. Army Corps of Engineers (“Corps”) project that has been under study and development since the 1960’s. The City of Santa Barbara and the County worked with a community consensus group in the 1990’s to develop the current project which focuses on both flood control and environmental issues.

The Corps completed the Feasibility Study over 10 years ago, but has been slow to get adequate funding for design and construction. Since that time, the City and County have been working on finding opportunities to construct elements of the Project as funding options arise.

On March 2, 2010 the Board of Directors authorized Public Works to negotiate for the purchase of fee and easements for the Project. Since that time staff has been working with the City and private owners to bring sections forward to construction.

The Project was determined to be in conformity with Santa Barbara City’s adopted General Plan in 2007 and with the revised General Plan in 2012.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

South Coast Flood Zone	\$	5,000.00			
State					
Federal					
Fees					
Other:					
Total	\$	5,000.00	\$	-	\$ -

Narrative:

Costs for this the project were included in the Adopted 12-13 budget under the Water Resources Division of the Public Works Department as shown on page D-144 in the budget book. No General Fund monies will be utilized for this project.

Special Instructions:

After Board action, distribute as follows:

- | | |
|---------------------------------------|--------------------------------------|
| 1. Original Contract | Public Works, Attn: Jeff Havlik |
| 2. Copy of the Contract | Clerk of the Board Files |
| 3. Original Certificate of Acceptance | Public Works, Attn: Jeff Havlik |
| 4. Copy of Certificate of Acceptance | Clerk of the Board Files |
| 5. Minute Order | Flood Control, Attn: Christina Lopez |
| 6. Minute Order | Public Works, Attn: Jeff Havlik |

Public Works Real Property will deliver the original Contract, Grant Deed and Certificate of Acceptance to First American Title to allow completion of escrow tasks, including the recordation of the Grant Deed which will consummate the transaction. After close of escrow, Real Property will return the original recorded Grant Deed to the Clerk of the Board, file it internally as appropriate and provide copies to the Flood Control District and to the owners of the property.

Attachments:

Real Property Purchase Contract and Escrow Instructions
Grant of Permanent Nonexclusive Easement w/ Certificate of Acceptance

Authored by:

Jeff Havlik, SR/WA, 568-3073

cc: