

Attachment 3

ATTACHMENT 3

**Permanent Non-Exclusive
Access & Staging
Easement Deed
and
Certificate of Acceptance**

Recorded at request by
and to be returned to:
County of Santa Barbara
General Services Department
Real Property Division
Will Call
1105 Santa Barbara St 2nd Flr
Santa Barbara CA 93101
COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS

No fee pursuant to Government Code § 27383
No Documentary Transfer Tax
Pursuant to Rev & Tax Code §11922

SPACE ABOVE THIS LINE FOR RECORDER'S USE
A.P.N. 037-245-012 (portion of)
District Project #SC8042
General Service #003784
T3-B - Easement

EASEMENT DEED
(PERMANENT NON-EXCLUSIVE ACCESS & STAGING EASEMENT)

317 CHAPALA STREET, LLC., owner of all that real property in the City of Santa Barbara, County of Santa Barbara, State of California, referenced as 317 Chapala Street, Santa Barbara, California, and more particularly described as County Assessor's Parcel Number 037-245-012 (the "Subject Property"), as OWNER herein,

FOR A VALUABLE CONSIDERATION, OWNER DOES HEREBY GRANT TO

SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a dependent special district, its successors and assigns, as GRANTEE herein, a permanent non-exclusive access and staging easement and right-of-way in perpetuity on, over and across a portion of the Property to provide access and staging for the excavation, removal, demolition, and alteration of facilities, vegetation and topography, and for the construction, reconstruction, replacement, repair, use and maintenance of various improvements ("DISTRICT's Facilities") as required for the Lower Mission Creek Flood Control Improvement and Restoration Project, Reaches 2B Phase II & 3, District Project # SC8042, and thereafter for future access and staging for improvements, construction, reconstruction, replacement, installation, operations and maintenance of improvements, including ingress and egress, required by the DISTRICT on a portion of the Property. The permanent non-exclusive access and staging easement area containing approximately 2,108 sq.ft., granted hereby is more particularly described in Exhibit "A" and shown on Exhibit "B" ("Access & Staging Easement") attached hereto and incorporated herein by this reference.

OWNER and its successors in interest retain the right to use the Access & Staging Easement area except that within the Access & Staging Easement area, no permanent improvements, fences, vegetation or permanent encroachments of any kind can be erected or other use made which would interfere with the present or future surface access and staging rights granted herein.

Notwithstanding the foregoing, OWNER shall have the right to use and maintain the Access & Staging Easement area that is not encumbered by the DISTRICT's uses for ingress and egress, hardscape and landscape. DISTRICT's rights to the Permanent Easement used and maintained by the OWNER are not diminished by this acknowledgement.


DISTRICT shall have the right to clear or keep clear from the Access & Staging Easement area all non-moveable buildings, structures and improvements that interfere with the use of the Access & Staging Easement area. DISTRICT and its successors, assigns, contractors and employees shall have the right, but not the obligation, to maintain, trim and cut trees, shrubs, vegetation and roots, if any, as may endanger or interfere with the operation or use of the Access & Staging Easement area, provided however that DISTRICT shall make the least injury and damage to the surface of the ground and vegetation as is reasonably practical and restore the surface of the ground and vegetation to as near the same condition as it was prior to the above referenced work as is practicable.

Each party (the "Indemnifying Party") agrees to defend, indemnify, and hold harmless the other party and its officers, officials, employees, volunteers, or agents (the "Indemnitee") against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the Indemnifying Party, its officers, officials, employees, volunteers or agents.

This non-exclusive access and staging easement does not create a public street or highway.

DATE: February 20, 2020

"OWNER"



Tonia Gallardo
Its: Manager

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA)

On February 21, 2020 before me, Andrew John Kish Notary Public, personally appeared Tonia Gallardo who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Andrew J. Kish
Signature (Seal)

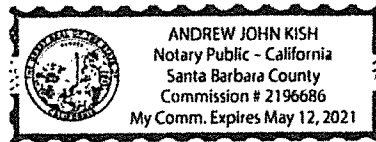


EXHIBIT A
T3-B

A portion of the parcel of land in Block 270 in the City of Santa Barbara, County of Santa Barbara, State of California, described as Parcel One in the Grant Deed to the 317 Chapala Street LLC, recorded August 16, 2013, as Instrument Number 2013-055465, Official Records of the County of Santa Barbara, described as follows.


The Northeasterly 34.00 feet of the Southwesterly 81.35 feet of Parcel One of said Grant Deed, as measured at right angles to the southwesterly line thereof;
AND ALSO the Southwesterly 6.35 feet of Parcel Two of said Grant Deed, as measured at right angles to the southwesterly line thereof, to wit:

Commencing at the westerly corner of said Parcel One of said Grant Deed:

- Course 1 thence, northeasterly along the northwesterly line of said Parcel One, North 42°25'12" East, 47.35 feet to the TRUE POINT OF BEGINNING;
- Course 2 thence, continuing along said northwesterly line of said Parcel One and said Parcel Two, North 42°25'12" East, 34.00 feet;
- Course 3 thence, parallel with and 81.35 feet distant northeasterly from the southwesterly line of said Parcel One, South 47°34'48" East, 62.00 feet to a point on the southeasterly line of said Parcel One;
- Course 4 thence, along the southeasterly line of said Parcel One, South 42°25'12" West, 34.00 feet;
- Course 5 thence, North 47°34'48" West 62.00 feet to the TRUE POINT OF BEGINNING.

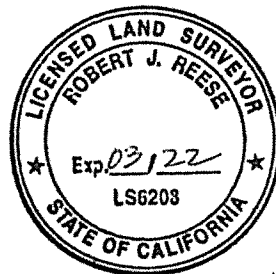
The above described parcel of land contains approximately 2108 square feet and is as shown on Exhibit B, attached hereto and made a part hereof.

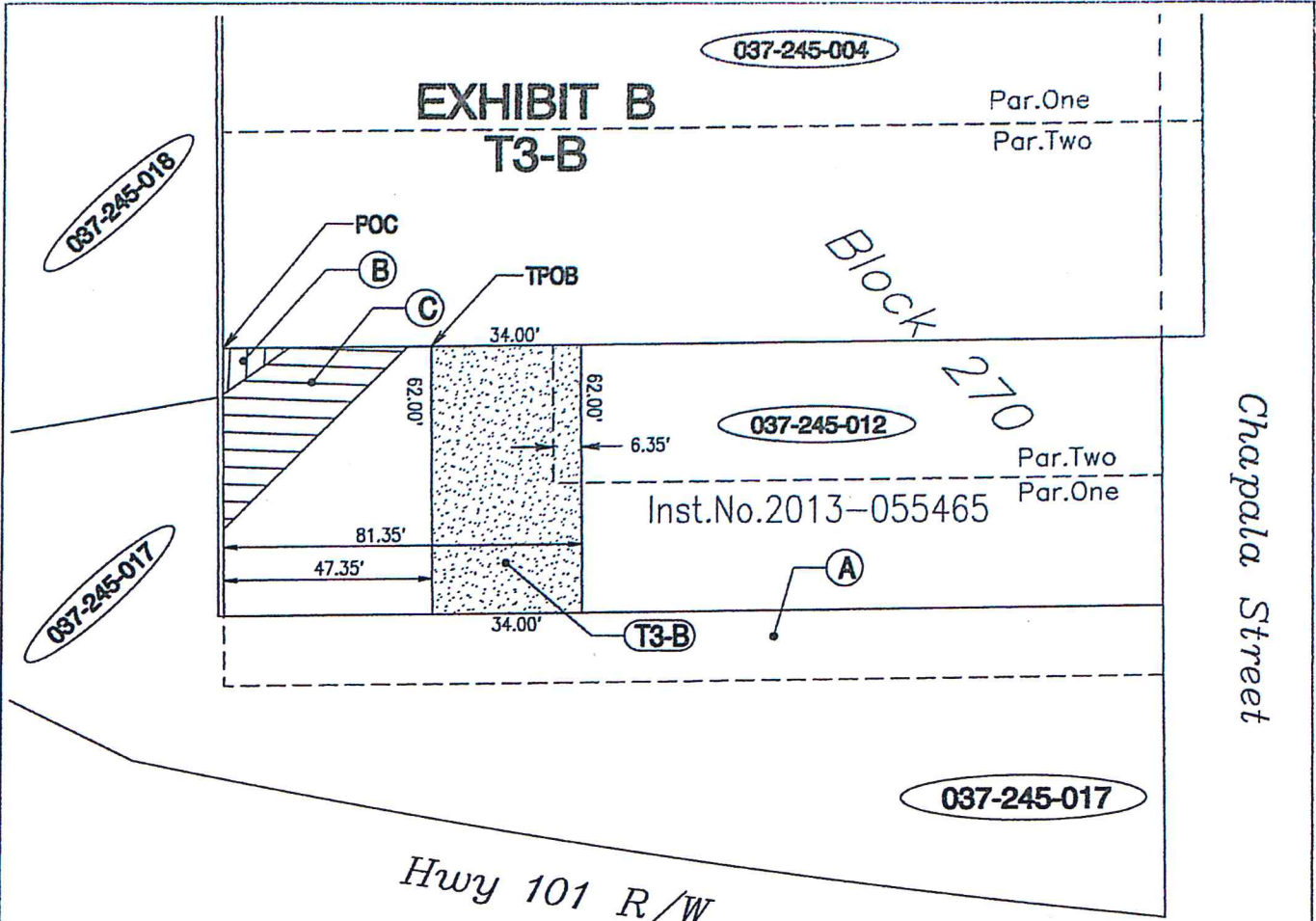
This description has been prepared by me in accordance with provisions of the Professional Land Surveyors Act.



Robert Reese, LS 6208

2020.03.03
date





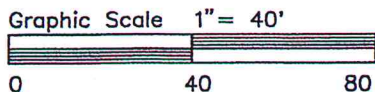
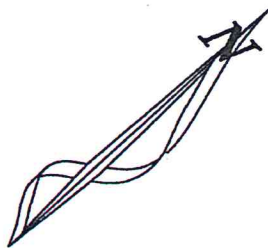
037-245-012 vesting doc: 2013-055465
 A 2013-055465: 16.17' ingress/egress easmnt
 B 2368 OR 966: flood control easmnt
 C 2368 OR 969: flood control access easmnt

T3-B 2108sq.ft. Perm. Access &
 Staging Easement

This Exhibit has been prepared by me in accordance with provisions of the Professional Land Surveyors Act.

R. J. Reese

date: 2020.03.03



COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS
 FLOOD CONTROL DISTRICT

APN 037-245-012

*PERMANENT ACCESS & STAGING EASEMENT
 SANTA BARBARA COUNTY
 FLOOD CONTROL DISTRICT
 SANTA BARBARA COUNTY, CALIFORNIA*

CERTIFICATE OF ACCEPTANCE

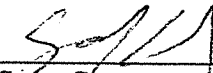
STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS. §27281

THIS IS TO CERTIFY that the interest in real property conveyed by an Easement Deed for a Permanent Non-Exclusive Access & Staging Easement dated February 20, 2020, from 317 CHAPALA STREET, LLC., as OWNER, to the SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a dependent special district of the County of Santa Barbara, a political subdivision of the State of California, its successors or assigns, as DISTRICT is hereby accepted by the Public Works Director on behalf of the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District pursuant to authority authorized on March 2, 2021, by the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District and the DISTRICT consents to recordation thereof by its duly authorized officer.

By: _____
Scott D. McGolpin, Director
Public Works/Flood Control and
Water Conservation District

Dated: _____

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By:  _____
Scott Greenwood
Deputy County Counsel