

ATTACHMENT 1

Resolution and Summary Order to Vacate Unused Portion of Flood Control Easement at Ocean Meadows

Recording requested by and)
to be returned to:)
SANTA BARBARA COUNTY)
General Services Department)
Real Estate Services Division)
1105 Santa Barbara Street, 2nd Floor)
Santa Barbara, CA 93101)
WILL CALL)
))
COUNTY OF SANTA BARBARA)
OFFICIAL BUSINESS)

No Recordation Fee Pursuant to
California Government Code §6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE
APN: 073-090-072 (portion)
RES File No. 003917

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SANTA BARBARA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT, STATE OF CALIFORNIA**

IN THE MATTER OF THE SUMMARY)
VACATION OF AN UNUSED PORTION)
OF A FLOOD CONTROL EASEMENT)

RESOLUTION NO. _____

CAL. WATER CODE APPENDIX §74-32;
CAL. STREETS AND HIGHWAYS CODE
§8330 et seq.

**FINDINGS AND SUMMARY ORDER TO VACATE
(UNUSED PORTION OF A FLOOD CONTROL EASEMENT)**

WHEREAS, the Santa Barbara County Flood Control and Water Conservation District (hereinafter "District") is the holder and owner of the permanent 12-foot wide access easement and right of way for the purpose of sediment removal from Devereaux Creek, more particularly described in the Easement Deed (Permanent Easement) granted to the Santa Barbara County Flood Control and Water Conservation District, a special district, its successors or assigns, in the document recorded August 2, 2005 as Instrument Number 2005-0073374 of Official Records of the Recorder, County of Santa Barbara, State of California, attached hereto as Attachment 1 (hereinafter, the "Flood Control Easement"); and

WHEREAS, District desires to vacate an unused portion of the Flood Control Easement, more particularly described in Exhibit "A" Legal Description, and depicted as Exhibit "B", together attached hereto as Attachment 2 (hereinafter, the "Portion"); and

WHEREAS, OCEAN MEADOWS INVESTORS, LLC, (hereinafter, "Ocean Meadows"), is the owner in fee of the property located on Assessor Parcel Number 073-090-072 (formerly 073-090-062), and "Grantors" in the Grant of Easements dated March 27, 2013, pursuant to plans for the

development of the Ocean Meadows Golf Course and as shown on a Parcel Map filed on March 27, 2013 in Book 64 of Parcel Maps, records of Santa Barbara County, at Pages 20 through 25, in the Office of the Santa Barbara County Recorder; and

WHEREAS, Ocean Meadows plans to subdivide an existing 5.87 acre gross/5.45 acres net lot known as Lot 2 of Parcel Map 14,784 into 32 residential lots plus one common lot known as the Ocean Meadows Residential Project (hereinafter, the “Project”) currently being processed by the County of Santa Barbara as Vesting Tentative Tract Map 14,838; and

WHEREAS, in the vicinity of the Project, the Flood Control Easement runs in a north-south direction parallel and west of Elkus Walk, and at its northerly end, the Flood Control Easement turns east and terminates at the Project boundary; and

WHEREAS, the Flood Control Easement falls largely within common Lot 33 of the proposed Project which is to be dedicated to the Project Home Owner’s Association, and the northerly most portion of the Flood Control Easement falls within proposed private/residential Lots 31 and 32; and

WHEREAS, as fee owner of the above referenced APN 073-090-072 which contains the Flood Control Easement, Ocean Meadows has petitioned the District to vacate the Portion;

WHEREAS, when the Flood Control Easement was granted in 2005, it terminated at an existing unnamed dirt road and more recently, the development of the Sierra Madre student housing project in the vicinity has cut off physical access to the northerly termination of the Flood Control Easement through construction of the Sierra Madre student housing parking lot and associated slopes and retaining walls; and

WHEREAS, to access Devereaux Creek at this time, the existing unnamed private road would be accessed at the intersection of Sierra Madre Court and Elkus Walk, bypassing the northerly inaccessible portion of the Flood Control Easement; and

WHEREAS, the intersection of Sierra Madre Court and Elkus Walk is also the primary entrance to the Project and is proposed to be improved to provide a gated entry and vehicular turnaround; and

WHEREAS, to avoid conflicts with the Project’s new gated entry, future residents, and Flood Control operations, the Project will construct a new driveway to provide more direct access to the paved unnamed access road and Devereaux Creek; and

WHEREAS, the proposed access is adequate for the District’s needs and the unused portion of the Flood Control Easement can be vacated in order to provide clear title to future buyers of the Project’s Lots 31 and 32; and

WHEREAS, Ocean Meadows already owns in fee the real property underlying the Flood Control Easement; therefore, a quitclaim is not required; and

WHEREAS, the quitclaim (now, this summary vacation) of the Portion is noted on the approved Vesting Tentative Map 14,838 (Sheet 1, Existing Easements/Exceptions, Note 8), and is referenced in the

Project's conditions of approval by virtue of it being shown on the approved Vesting Tentative Map 14,838; and

WHEREAS, in accordance with Section 74-32 of the California Water Code Appendix, the District may dispose of real property in the manner prescribed by law for such action by counties if the District Board of Directors determines by resolution that the property is no longer necessary to be retained for flood control uses and purposes; and

WHEREAS, in accordance with California Streets and Highways Code Section 8333(a), for a period of five (5) consecutive years preceding this proposed vacation, the Portion has not been used for the purpose for which it was granted, and is therefore eligible for a Summary Vacation; and

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

WHEREAS, California Government Code Section 65402 does not clearly apply to a vacation of a public service easement; and

WHEREAS, California Streets and Highways Code Section 8313(b) states that if California Government Code Section 65402 does not apply, if the proposed vacation of a public service easement is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity shall consider the general plan prior to vacating the public service easement; and

WHEREAS, on December 9, 2020, the Santa Barbara County Planning Commission unanimously found the Project, which includes the summary vacation of the Portion, to be consistent with applicable provisions of the County's Comprehensive Plan, including the Coastal Land Use Plan and Goleta Community Plan, as well as with the Article II Coastal Zoning Ordinance; and

WHEREAS, on December 9, 2020, the Santa Barbara County Planning Commission unanimously certified the Final Mitigated Negative Declaration (SCH2020070159) for the Project and there were no subsequent appeals to either the Board of Supervisors nor the California Coastal Commission; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the DISTRICT does hereby find, determine and order as follows:

1. That the above recitals are true and correct.
2. That this Summary Order to Vacate is in compliance with, and made under authority granted in Streets and Highways Code of the State of California, 8330 et seq. and Section 74-32 of the California Water Code Appendix; and
3. That the unused Portion of the Flood Control Easement to be vacated is no longer necessary to be retained for the uses and purposes of the District; and
4. That this vacation shall not impact or remove any current public rights; and

5. That the unused Portion of the Flood Control Easement to be vacated is particularly described in "Exhibit A" and shown on "Exhibit B" both of which are attached hereto and made a part hereof; and
6. That the unused Portion of the Flood Control Easement is hereby summarily vacated pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways code of the State of California.
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.
8. From and after the date that this Resolution is recorded, the unused portion of Flood Control Easement shall be vacated and no longer constitute a public service easement.

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PASSED AND ADOPTED by the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District, a dependent special district of the County of Santa Barbara, this _____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

SANTA BARBARA COUNTY
FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD
Ex Officio Clerk of the Santa Barbara County
Flood Control and Water Conservation District

BOB NELSON, CHAIR
BOARD OF DIRECTORS

By: _____
Sheila de la Guerra
Deputy

APPROVED AS TO FORM:
RACHEL VAN MULLEM
COUNTY COUNSEL

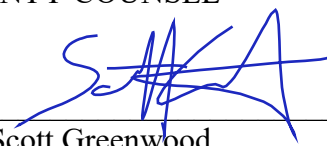
By:  _____
Scott Greenwood
Deputy County Counsel

Exhibit A
Portion of Easement Vacated
Legal Description
(within APN 073-090-072)

That portion of the Rancho Los Dos Pueblos, in the County of Santa Barbara, State of California, located within Lot 2 of Parcel Map 14,784 filed March 27, 2013 in Book 64, Pages 20 through 25, inclusive, of Parcel Maps, in the Office of the County Recorder of said County, described as follows:

Being that certain portion of land as described in the Easement Deed (Permanent Easement) granted to the Santa Barbara County Flood Control and Water Conservation District, a special district, its successors or assigns, in the document recorded August 2, 2005 as Instrument No. 2005-0073374 of Official Records of said County, more particularly described as follows:

BEGINNING at a point on the westerly line of said easement, said point being distant South 0°03'11" West 76.50 feet from the northerly terminus of course no. 20 as described in said deed, said course shown as "N 00°03'11" W 594.42 feet"; thence, along the west, north, southeast, south and east lines of said easement the following nine courses;

- 1st - North 0°03'11" West, a distance of 76.50 feet (portion of course 20. of said deed); thence,
- 2nd - North 15°03'11" West, a distance of 41.41 feet (course 21 of said deed); thence,
- 3rd - North 0°03'11" West, a distance of 63.52 feet (course 22 of said deed); thence,
- 4th - North 89°56'49" East, a distance of 102.39 feet (course 23 of said deed); thence,
- 5th - South 56°49'21" West, a distance of 21.96 feet (course 24a. of said deed); thence,
- 6th - South 89°56'49" West, a distance of 72.00 feet (course 24b. of said deed); thence,
- 7th - South 0°03'11" East, a distance of 49.94 feet (course 24c. of said deed); thence,
- 8th - South 15°03'11" East, a distance of 41.41 feet (course 24d. of said deed); thence,
- 9th - South 0°03'11" East, a distance of 78.08 feet (portion of course 24e. of said deed); thence, leaving said east line of easement,
- 10th - South 89°56'49" West, a distance of 12.00 feet to the point of beginning.

Vacated portion of easement containing 3,151 square feet, more or less.

The legal description for the portion of easement vacated hereinabove described is graphically shown on Exhibit B and made a part hereof by reference.

Prepared by: Stantec
Under the direction of:

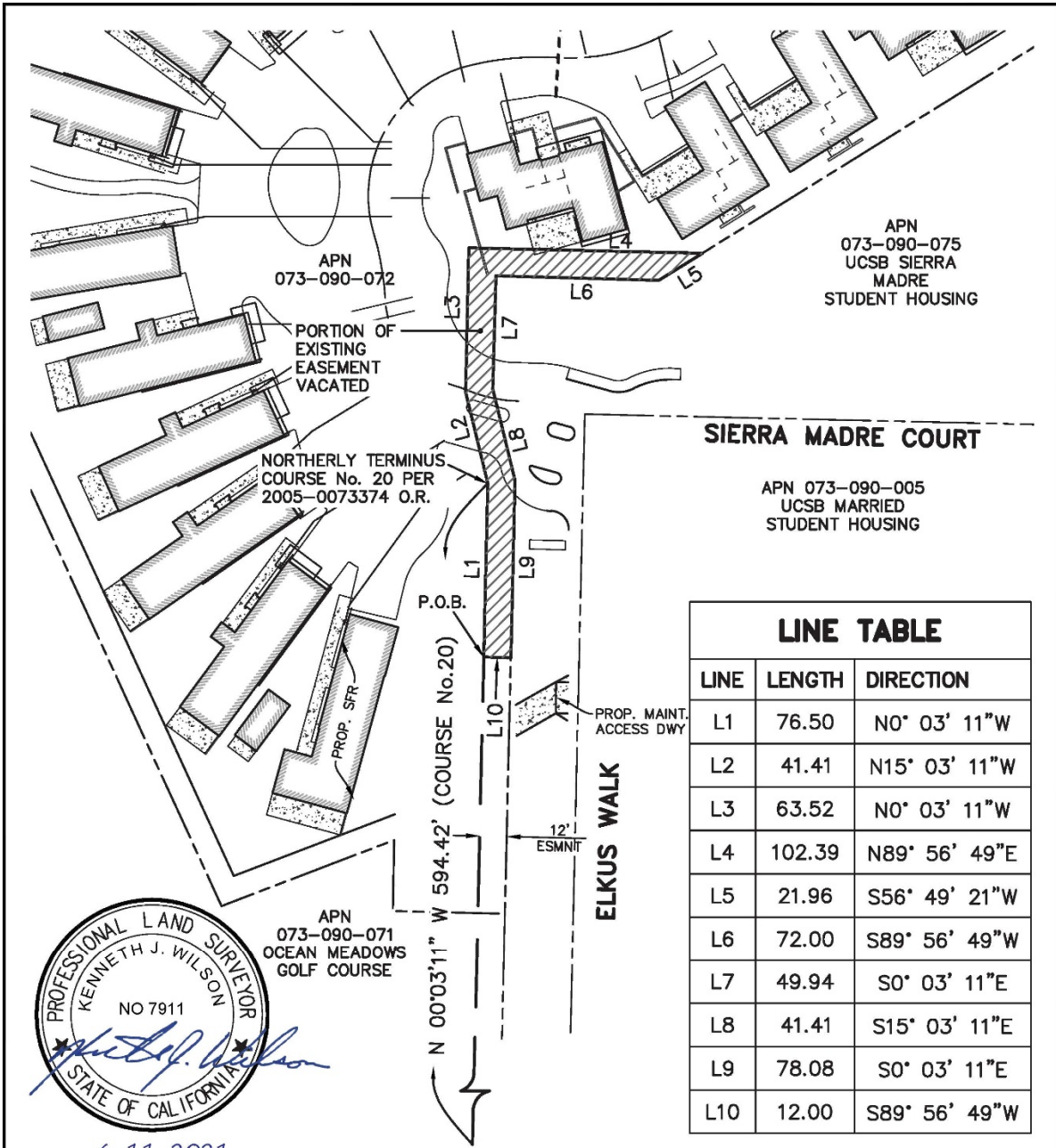


Kenneth J. Wilson, PLS 7911
June 11, 2021
PN 2064157800



Exhibit A-LEGAL_Flood_Control_Vacation.docx





LINE TABLE		
LINE	LENGTH	DIRECTION
L1	76.50	N0° 03' 11"W
L2	41.41	N15° 03' 11"W
L3	63.52	N0° 03' 11"W
L4	102.39	N89° 56' 49"E
L5	21.96	S56° 49' 21"W
L6	72.00	S89° 56' 49"W
L7	49.94	S0° 03' 11"E
L8	41.41	S15° 03' 11"E
L9	78.08	S0° 03' 11"E
L10	12.00	S89° 56' 49"W



6-11-2021

LEGEND

APN - ASSESSOR'S PARCEL NUMBER
 P.O.B. - POINT OF BEGINNING



SCALE: 1" = 60'

EXHIBIT "B"

OF
 VACATED PORTION
 SBCFC&WCD EASEMENT
 COUNTY OF SANTA BARBARA
 STATE OF CALIFORNIA

PLOT DATE: 6/11/2021



Stantec

111 East Victoria Street, Santa Barbara, CA 93101
 Phone: (805) 963-9532 Fax: (805) 966-9801

P.N. 2064157800

DWG: EXHIBIT B_Flood_Control_Quitclaim.dwg