



BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Department Name: General Services/
Public Works
Department No.: 063/054
For Agenda Of: August 3, 2021
Placement: Departmental
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: 4/5

TO: Board of Directors, Flood Control and Water Conservation District
FROM: General Services Janette D. Pell, Director of General Services, (805) 560-1011
Public Works Scott D. McGolpin, Director of Public Works, (805) 568-3010

Contact Info: Skip Grey, Assistant Director, General Services
(805) 568-3083
Thomas D. Fayram, Deputy Public Works Director
(805) 568-3436

SUBJECT: Acquisition of 630 Randall Road, Santa Barbara, California, by The Santa
Barbara Flood Control and Water Conservation District for Flood Control
Purposes (APN 007-120-101); First Supervisorial District (RES File #003892)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Manager

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve, adopt and authorize the Public Works Director, as the General Manager of The Santa Barbara Flood Control and Water Conservation District, to execute the attached Resolution of Necessity (Attachment 1), for the acquisition in fee of real property located at 630 Randall Road, Santa Barbara (APN: 007-120-101), hereinafter referred to as the "Property", currently owned by Catherine W. Montgomery, Trustee of the Montgomery Living Trust, dated 2/7/2014.
- b) Authorize the Director of Public Works, or designee, to execute any and all documents and to expend funds for deposit with the State Treasurer's Office in a sum equal to the appraised market value for the Property, in the amount of \$1,346,000.00 for APN 007-120-101, and any additional related costs and fees, in order to acquire fee interest.

- c) After considering the Environmental Impact Report as well as the Addendum to the Environmental Impact Report, for the Randall Road Debris Basin Project (SCH Number; 2019029104), find that pursuant to the California Environmental Quality Act Guidelines section 15162, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project. The Findings, Final Environmental Impact Report, Final Addendum to the Environmental Impact Report, and associated information can be found at: <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=4745446&GUID=8ED4A508-522B-4D48-A892-346CA1C20DA7;> and <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=4614433&GUID=332DE4C7-CE18-4056-AF92-5C929A440FD0>

Summary Text:

The Resolution of Necessity is required to facilitate the acquisition of the Property owned by Catherine W. Montgomery, Trustee of the Montgomery Living Trust, dated 2/7/2014, for the Randall Road Debris Basin Project, hereinafter referred to as the “Project”. It is in the public interest and necessary to acquire fee interest in the Property to construct and complete the Project, which will capture sediment, gravel, boulders, and vegetative debris during storms.

The public interest and necessity require the Project; the Project has been planned and located in a manner that will be most compatible with the greatest public good and the least private injury, and the Property described in the attached Resolution of Necessity (Attachment 1) is necessary for the Project. Construction is scheduled to begin on the Property upon acquisition of possession. Upon adoption of this Resolution, County Counsel and Special Legal Counsel shall commence with the necessary condemnation proceedings in the Superior Court.

Background:

Following the Thomas Fire and resulting Debris Flow events, this Project is being undertaken to develop a debris basin to capture sediment, gravel, boulders, and vegetative debris for the benefit and future safety of the Montecito community.

This Project was proposed by private interests and received general support by the affected property owners in the area. The District applied for grants from FEMA to help fund the project. The debris basin as proposed included acquisition of seven properties along Randall Road and one property on East Valley Road in Montecito for a total of eight properties.

In 2019, the Board authorized the acquisition of 640 Randall Road, known as Assessor Parcel Number 007-120-036. This property was one of the eight properties to be included in the overall Project. Acquisition of this parcel was processed independently of the proposed debris basin project due to the property having independent utility to the District, including use as a staging area for flood control activities for subsequent forthcoming rain seasons. This property was purchased by District funds and not included in the FEMA HMGP application.

On November 4, 2020, the Board approved and authorized the acquisition of six additional properties associated with the Project. Negotiations for these six properties were conducted in

accordance with FEMA requirements applicable to the District's grant which was approved by FEMA on October 27 and FEMA has since issued HMGP funds for these acquisitions (HMGP #4344-417-058R). Now that these subsequent acquisitions have been completed, this Property is the one remaining necessary property to acquire to facilitate full implementation of the Project.

In accordance with Government Code Section 65402(c), the Montecito Planning Commission conducted a hearing on March 20, 2019, for the determination that the proposed fee acquisition of the Property is consistent with Montecito's Community Plan. The Montecito Planning Commission has determined that the acquisition is in conformity with the County of Santa Barbara's Comprehensive Plan, Montecito's Community Plan and Government Code Section 65402(c) has therefore been satisfied.

Acquisition

Assessor Parcel Number 007-120-101

A State-licensed real estate appraiser completed an appraisal the fair market value of the Property. Due to the passage of time, that appraisal was updated on May 2021 and the amount of \$1,346,000 was determined to be the fair market value for this Property. An updated written offer was thereafter sent to the Owner.

Resolution

The District is required to commence and complete construction of entire debris basin within a very specific, seasonal time frame. The District has attempted to negotiate acquisition with the Property Owner for the past two years. Therefore, negotiations likely would not be successful in time to meet the construction limitations. District staff will attempt to work with the Owner on any unresolved matters, and it is still possible that agreements may be reached prior to completion of the condemnation proceedings.

Despite the periods of negotiations and discussions that have occurred and will continue, the parties may not be able to come to an agreement. If agreements cannot be reached, approval of the Resolution of Necessity is the first step in the condemnation process, which will allow the Court to determine just compensation to be paid for the Property and address any other issues raised in the litigation. A Notice of Intention and Hearing to Adopt Resolution of Necessity for Acquisition of Property for Public Use was sent to the Owner in accordance with Section 1245.235 of the Code of Civil Procedure.

The Resolution of Necessity must contain a general statement of the public use for which the Property is to be taken and a reference to the statute that authorizes the District to acquire the Property by eminent domain.

As stated herein, the real property interests are being acquired for the Project as generally described in the above sections. The District is authorized to acquire property under the provisions of the California Constitution, and provisions set forth in the California Government Code, Code of Civil Procedure, Water Code and the Santa Barbara Flood Control and Water Conservation District Act set forth in California Water Code Appendix Section 74-1, et seq.

The Resolution of Necessity must describe the general location and extent of the Property being taken. The Property is described above and is being acquired in fee.

The Resolution of Necessity must declare that the District has found and determined the following:

- (1) The public interest and necessity require the proposed project;
- (2) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (3) The property described in the resolution is necessary for the proposed project.
- (4) That either the offer required by Section 7267.2 of Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

As set forth in the narrative of this Board Letter together with supporting Project documents concurrently and previously considered by the District's Board of Directors, each of the required findings can be factually supported.

Public interest and necessity require the Project. It has been planned and located in a manner that will be most compatible with the greatest public good and least private injury and the real property interests are necessary for the Project. Furthermore, a written offer containing a summary of the basis of the real estate appraisal valuation has been made to the Owner.

The Resolution of Necessity must be adopted by a vote of four-fifths (4/5) of all the members of the Board of Directors of the District.

Fiscal and Facilities Impacts:

Budgeted: Yes

Narrative:

The appraised market value for the Property is \$1,346,000.00 and the acquisition cost was included in the adopted FY 2021-22 budget in the Water Resources Division of the Public Works Department on page D-340 in the budget book. All costs for this Property will be paid from the South Coast Flood Zone.

Special Instructions:

After Board action, distribute as follows:

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| 1. Original executed Resolution of Necessity | Clerk of the Board Files |
| 2. Copy of Resolution & Minute Order
Conservation District | Flood Control and Water
Attn: Christina Lopez |
| 3. Three (3) Certified Copies of the Resolution
and copy of Resolution & Minute Order | Real Estate Services Division
Attn: Carlo Achdjian |

Attachments:

1. Resolution of Necessity (with map of Project) (APN: 007-120-101)
2. Notice of Intention and Hearing to Adopt Resolution of Necessity
3. Notice of Determination