



**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

Submitted on:  
(COB Stamp)

Department Name: Public Works  
Department No.: 054  
For Agenda Of: May 22, 2007  
Placement: Departmental  
Estimate Time: 60 minutes  
Continued Item: NO  
If Yes, date from:  
Vote Required: 4/5

**TO:** Board of Supervisors  
**FROM:** Department Director: Scott D. McGolpin, Public Works Interim Director 568-3010  
Contact Info: Walter Rubalcava, Interim Engineering Section Manager, 739-8775  
Mike Emmons, County Surveyor 568-3020  
**SUBJECT: Hummel Drive Extension, 4<sup>th</sup> Supervisorial District, County Project. No. 420195.**

**County Counsel Concurrence:**

As to form/legality:  Yes  No  N/A

**Auditor-Controller Concurrence:**

As to form:  Yes  No  N/A

**Recommended Action(s):**

Authorize the Chair of the Board of Supervisors to:

Adopt and authorize the Chair to execute the attached Resolution of Necessity regarding Permanent Easements on portions of the following properties;

Ernest K. and Ruby E. Treat APNs (107-290-39, 107-270-14)  
Gloria R Riloquio APN (107-290-007)  
Craig and Susan Smith, Trustees APN (107-270-006)  
James B. and Natalie Mejia Albrecht APN (107-290-009)  
Jeffrey W. and Rhonda E. Cardinal APN (107-290-005)

for the Hummel Drive Extension Project.

**Summary:**

The Hummel Drive Extension Project is located in the Orcutt area near the City of Santa Maria and is located approximately 1.5 miles west of State Highway 101 and approximately 0.4 miles east of State Route 135. Hummel Drive is a north-south collector road and is a vital part of the circulation element.

Hummel Drive currently terminates near Mooncrest Lane at the north end and Hobbs Lane at the south end with an unimproved private roadway between. This project will complete this missing segment. The Hummel Drive Extension project will construct approximately 960 feet of improvements. These improvements will include two 12-foot travel lanes, two 5-foot shoulders, and curb, gutter, and sidewalk on both sides of the road.

Parcels 107-290-039 and 107-270-014 are only included in the Resolution of Necessity to proceed through the condemnation process for the purpose of cleaning up title. There is no known contact or heir to the narrow parcels encumbered by and located within the existing private roadway. Therefore condemnation is the most efficient way to acquire this easement.

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As for the other parcels, the project requires acquisition from eight property owners. The County has received signed contracts from four of the eight owners, so this Resolution of Necessity is only required for the four remaining parcels, which include 107-290-007, 107-270-006, 107-290-009, and 107-290-005 (see Exhibit A).



**Photo of unimproved section of Hummel Drive**

Condemnation is the legal proceeding by which the power of eminent domain is exercised. The Resolution of Necessity is the first step in the condemnation process. By adopting the Resolution of Necessity, the County is stating that the project is needed and that the current design provides the most public good with the least private damage. Once the Resolution of Necessity is adopted, the condemnation action would be filed within six months. Once the action is filed, the owners are served and a trial date is set. At the time the action is filed, the appraised value will be placed on deposit with the court and an Order for Immediate Possession (OIP) applied for. The OIP allows for legal possession of the property so work may begin prior to the case going to court. Once the OIP is issued, work may begin. Negotiations with the property owners may continue throughout this entire process.

Senate Bill 1210 and changes to California Code of Civil Procedure 1255.410 and 1255.450 substantially change the method for obtaining an OIP, which will lengthen the process by 4 to 6 months. Depending upon whether the property is occupied or vacant, an effective OIP is issued 120 to 150 days after filing the complaint. Negotiations to reach a settlement with the property owners can and will continue throughout the condemnation process.

Some of the current issues the unsigned property owners have mentioned are as follows: The assessed value of their property, which may not be discussed at a Resolution of Necessity hearing due to the fact that this hearing is only about the necessity of the project. They also feel they need more time to consider the offer and make informed decisions and inquiries regarding the project, property values and possible future ramifications of the project.

Options available to the unsigned property owners' issues are as follows: Real Property staff will remain available for discussions and negotiations toward an agreement throughout the entire condemnation process. The initial offers were sent on December 22, 2006, allowing 5 months time prior to this request for adoption of a Resolution of Necessity. The unsigned property owners will have approximately 4-6 months additional time for continued negotiation and settlement prior to the anticipated issuance of the OIP. This gives the owners up to 11 months, and possibly longer, for negotiations and settlement. Public Works feels that the time being allotted is fair and adequate. Once again, the Resolution of Necessity is only the first step in the Eminent Domain proceedings, which ensure that the property owners' rights are protected.

The County Circulation Element shows that Hummel Drive is designated as a Collector Road between Foster Road and Patterson Road to provide a continuous link between the two points. Hummel Drive has been designated as a collector since the 1970's and was shown as a collector on the County Circulation Element for the Santa Maria-Orcutt Area Circulation Map (CIRC-6) which was certified by the Planning Commission as part of the County's Comprehensive Plan on July 16, 1980, and the Comprehensive Plan was adopted by the Board of Supervisors on December 22, 1980. In July of 1997, the Board adopted the Orcutt Community Plan (OCP), which included the anticipated infrastructure needs of the Orcutt Community for a 20 year planning horizon. The Hummel Drive extension was re-identified and included in the environmental analysis for the plan. Hummel Drive extension is also designated in the Orcutt Transportation Improvement Plan (OTIP) adopted June 9, 1998.

Hummel Drive was adopted as a collector in order to assure its completion between Patterson Road and Foster Road. The completion of Hummel Drive was considered essential to provide good access to the local roads in the area, and to provide better circulation for emergency access, as well as the routine uses such as transit, delivery, and garbage services.

Completion of Hummel Drive will also reduce the necessity for vehicular traffic and bicyclists accessing the local streets to utilize Orcutt Road and Bradley Road, which are the adjacent north/south streets, and will thus improve the connections between the local neighborhoods. The project will also provide access to Union Valley Parkway, an existing primary roadway, which is currently planned to connect to Highway 101 on the east to Blosser Road on the west.

The completion of this missing segment of Hummel Drive is necessary to remain consistent with the Board adopted OCP, OTIP, and the associated EIR 95-EIR-01 since they are predicated on the assumption that Hummel Drive will be extended. If the Board chooses not to move forward with this Resolution of Necessity and the completion of this roadway segment, the following may occur:

1. The County may be responsible for amending the transportation section of the OCP and OTIP to mitigate any impacts associated with not constructing the Hummel Drive extension;
2. Places State dollars expended to date at risk; expended funds may need to be reimbursed to State;
3. Potentially places future Federal and State funding at risk by not moving forward with the condemnation process on projects previously approved; and
4. Diminishes response times of Public Safety personnel to the residents that live in the surrounding areas.

The Santa Barbara County Fire Department is very supportive of this project and have stated that the missing segment is problematic for their circulation. A letter of support is attached (Exhibit B).

For this project to meet the California Transportation Commission's (CTC) imposed funding deadlines, it is important that the proposed Resolution of Necessity be adopted. When the Resolution of Necessity is adopted, the next step is to file an action with the courts to begin the condemnation process. Again, based on this requirement, it is not anticipated that the OIP will be granted any earlier than late September 2007. Once the order of possession is received, the County will request construction funding allocation from the CTC at their December 2007 meeting. From the date of the funding allocation, the County will have up to 6 months to award the project for construction, or face losing the construction funding. With your Board's adoption of the Resolution of Necessity today the project funding will be secured and this project may move towards construction to satisfy the provisions of the OCP approved previously by your Board.

It is important that the project be constructed during the warm and dry summer months as this climate provides for the best finished product when placing asphalt concrete with minimal erosion and sedimentation impacts to the adjacent residents and roadways during earthwork operations.

The State and the Federal Highway Administration (FHWA) funds capital projects worth millions of dollars in our Department each year. Some of these projects require right of way acquisition, which the majority of time the County is able to negotiate a purchase. However, sometimes the only way to acquire property for vital infrastructure projects is by condemnation. Your Board's approval of this item today will send a strong signal to the State and FHWA that the County of Santa Barbara supports the use when all other means of acquisition have failed. This action will ensure these agencies' support of future County requests for outside funding.

### **Background:**

Public Works (PW) began the current Hummel Drive Extension project in 2001 and is currently at 90% completion with the roadway construction plans. Since 2001 PW has worked with all of the adjacent property owners to try and lessen the impacts of this future project. The County has maintained consistent communication with the current owners since the beginning of the project as reflected below;

#### **Meetings**

June 25, 2001 – Meeting with Darlene Herty @ 10:00am, Site  
June 27, 2001 – Meeting with Lynn Simenson @ 9:00am, Site  
March 5, 2002 – Meeting with Craig Smith @7:30am, Site  
March 7, 2002 – Meeting with Jeff and Rhonda Cardinal @7:30pm, Site  
March 20, 2002 – Meeting with Cardinals @6:00pm, Site  
May 23, 2002 – Meeting with Lynn Simenson  
October 22, 2002 – Board Meeting to approve Extension of Hummel Drive, SB BOS  
November 1, 2002 – Meeting with Lewotsky's @ 10:00am, Site  
January 8, 2003 – Planning Commission Meeting @ 9:00am, SM BOS  
August 25, 2003 – Hummel Resident Meeting @ SM BOS  
January 6, 2004 – Meeting with Lynn Simenson @8:00am, Site  
November 1, 2004 – Site Meeting with Residents regarding right of way, Site  
January 25, 2005 – Meeting with Rhonda Cardinal @ 2:00pm, Site  
April 12, 2005 – Meeting with Jeff Cardinal regarding roadway geometrics @ 2:00pm, Site  
September 13, 2006 – Meeting with Deanna Gordon @ 10:00sm SM Office, discuss cross sections of driveway, existing and proposed RW, feasibility of maintaining driveway on Hobbs. Deanna acting as agent for Mr. and Mrs. Lewotsky.

#### **Letters to Residents**

May 5, 2003 – Response to April 17, 2003 residents letter  
June 16, 2003 – Response to June 13, 2003 residents letter  
August 25, 2003 – Resident Meeting Minutes for August 25, 2003 meeting  
October 27, 2003 – Response to Jim Pierce regarding BOS inquiry  
January 3, 2005 – Response letter to Jenny Fisher (reviewed roadway design for Cardinals) regarding her December 4, 2004 letter.  
December 22, 2006 – Initial right of way purchase offers sent to owners (with expiration of January 31, 2007  
February 6, 2007 – Right of way offer extension letters sent to owners (with expiration of March 6, 2007  
March 7, 2007 – Third and final right of way offers sent to owners (with expiration of March 23, 2007

There have also been other informal telephone conversations, site visits, and one on one meetings held with each adjacent property owner for the purpose of answering questions, providing updates and to listen to their concerns.

PW staff has also made themselves available to the residents for questions and all the residents have been provided proper project team contact information. In fact contact information to reach the Project Manager after normal business hours has been provided to these residents as well.

In addition to the meetings, correspondence, and efforts to date, the following is a list of actions that PW has taken to try and accommodate the property owners' concerns:

1. During the 2003 residents meeting, the residents requested that the shoulders of the roadway be reduced from 8 feet to 5 feet in an effort to minimize the right of way impacts. Public Works informed the residents that if each affected owner provided a letter to the County supporting this action, then PW would eliminate the additional 3 feet from each side of the roadway. This letter was needed by PW since the loss of 3 feet of shoulder width would result in NO PARKING along this segment of roadway and PW wanted to verify that each owner was clear and agreeable to the affects of this change. The owners did provide the requested letters and PW reengineered the plans to eliminate the 3 additional feet of improvements on each side of the roadway.
2. During the October 2002 Board of Supervisors meeting the residents requested that the right of way limits be physically delineated on their properties. Once the design was nearing completion and the proposed right of way lines were known, PW staff provided surveying stakes showing the right of way limits on each property. PW staff also met with each individual owner to explain the staking and to answer any questions.

PW understands that the residents directly adjacent to the Hummel Drive Extension project will be impacted and continuous efforts have been made to work with these residents to best accommodate them and still keep the best interest and safety of the traveling public at the forefront. However, due to the necessity described in the aforementioned sections and the fact that this project has been in the Circ 6, Orcutt Transportation Improvement Plan and the Orcutt Community Plan for over 25 years, PW recommends that the Board of Supervisors adopt the Resolution of Necessity as presented today.

The action being requested today is not to approve the project, since the project already received approval from the Board of Supervisors on October 22, 2002 (Clerk of the Board file #02-0102). This project was also approved by the State of California Department of Transportation and Federal Highway Administration in April 2004.

**Fiscal and Facilities Impacts:**

Budgeted:  Yes  No

**Fiscal Analysis:**

<b>Funding Sources</b>	<b>Current FY Cost:</b>	<b>Annualized Cost:</b>	<b>Total Project</b>
General Fund			
State: STIP	\$ 141,000.00		\$ 141,000.00
Federal			
Fees			
Other: OTIP	\$ 165,350.00		\$ 165,300.00
Total	\$ 306,350.00	\$ -	\$ 306,300.00

Narrative:

The total project acquisition costs are estimated at \$271,350 based on a Land Value appraisal of the easements. It is anticipated that all funds should be expended or deposited in FY 2006/07. Funds for the acquisition have been budgeted in Dept. 054, Fund 0015, Program 2050, and Account 8100.

The total project costs for condemnation, and title fees are estimated \$125,000. FY 2006/07 costs are estimated at \$35,000 and future year costs are estimated at \$90,000. Funds have been budgeted in Dept. 054, Fund 0015, Program 2050, and Account 7460.

The State Transportation Improvement Program ("STIP") will provide \$141,000 of the total Project cost with OTIP providing the remaining \$165,350.

**Staffing Impact(s):**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

After Board action, distribute as follows:

- |    |                             |   |
|----|-----------------------------|---|
| 1. | Minute Order                | Public Works 123 E. Anapamu<br>Attn: Beverly Cross        |
| 2. | Minute Order                | Public Works 620 W. Foster Road<br>Attn: Walter Rubalcava |
| 3. | Resolution and Minute Order | Public Works 620 W. Foster Road<br>Attn: Scott Dickinson  |

Upon the adoption of a Resolution of Necessity, County Counsel will commence the necessary condemnation proceedings in the Superior Court of Santa Barbara.

**Attachments: (list all)**

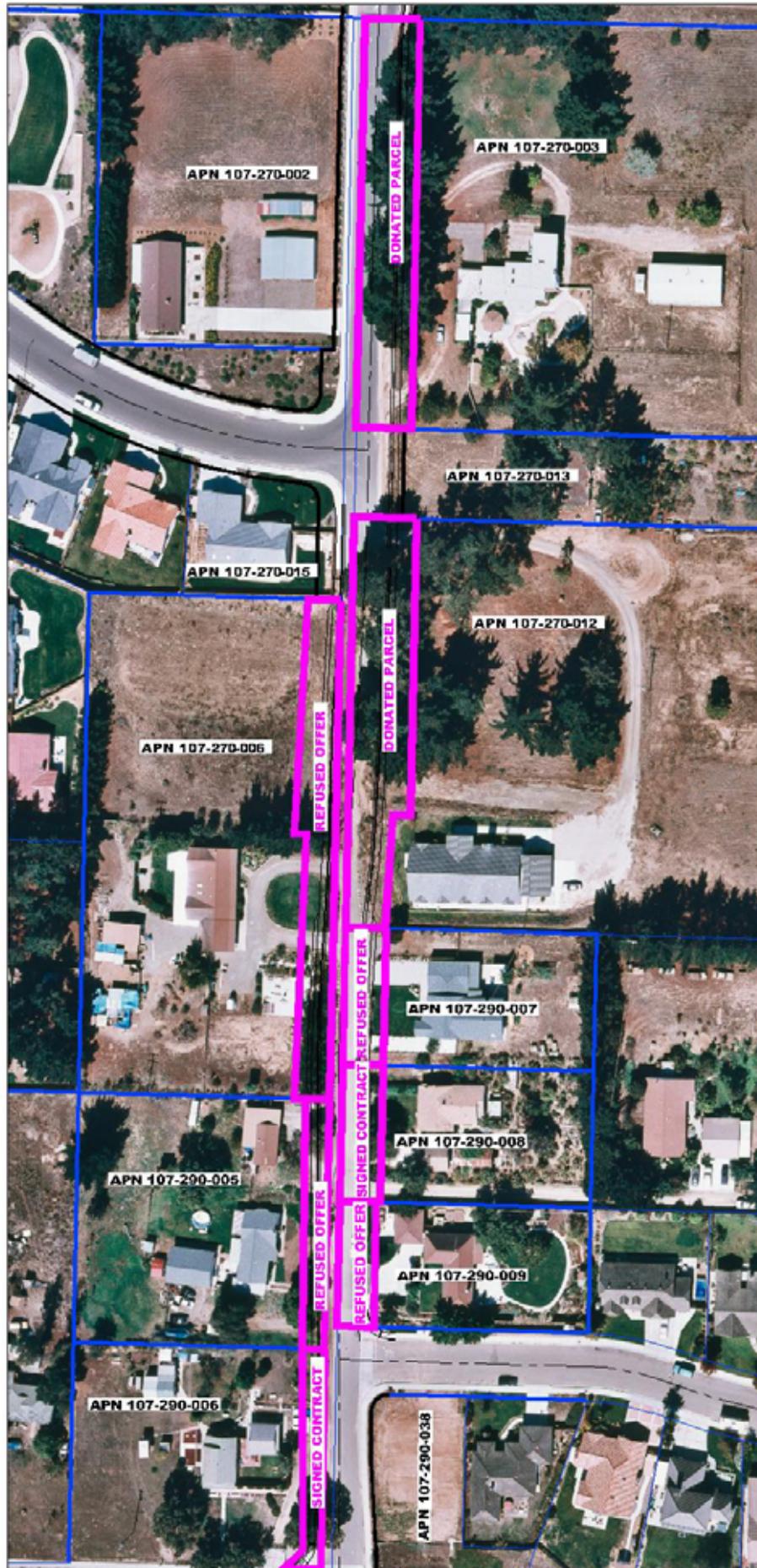
- (1) Exhibit A – Hummel Drive Extension
- (2) Exhibit B – Letter of Support from SBC Fire
- (3) Resolution of Necessity
- (4) Notice of Resolution of Necessity

**Authored by:**

Scott Dickinson, SR/WA, Real Property Section, Surveyor's Division, phone 739-8758  
Walter Rubalcava, P.E., Project Manager, Public Works Transportation, Engineering Section 739-8775

**cc:**

**HUMMEL DRIVE EXTENSION**



**EXHIBIT A**

## Exhibit B

# Memorandum

**Date:** April 11, 2007  
**To:** Scott McGolpin  
Public Works Department  
**From:** Martin Johnson, Captain  
Fire Department *MJ*  
**Subject:** Hummel Drive Road Connection in Orcutt



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The Santa Barbara County Fire Department would like to voice its support for the proposed Hummel Drive road connection. As you know, Hummel Drive currently connect with Patterson Road to the south and Foster Road to the north. However, there is a missing link in the 4400 block which does not allow for connectivity to occur.

The fire department believes that it is in the best interest of the public safety to complete the construction of Hummel Drive.

This missing road segment has been problematic for emergency responders in the past. Hummel Drive represents a vital connecting link in this neighborhood's road network.

It is not uncommon for 911 operators to receive emergency calls stating that a fire or other emergency is "next door to...", "down the street from...", "across the street from...", etc. Given this scenario, fire engines could find themselves on the wrong side of the road block, significantly delaying emergency response. In its current state, emergency responders must know exactly where the emergency is occurring in order to know which way to go. As stated above, this is not always possible.

This new connection will benefit the Public Safety by providing connectivity of the road network, enhancing emergency response times, and taking the guesswork out of the existing emergency response situation.

As always, if you have any questions or require further information, please call me.

MJ:reb

c: APN/Chron