

**ATTACHMENT 3
RESOLUTION AND SUMMARY
ORDER TO VACATE A COUNTY
TRAIL EASEMENT**

Recording requested by and)
to be returned to:)
SANTA BARBARA COUNTY)
COMMUNITY SERVICES DEPARTMENT)
PARKS DIVISION)
****WILL CALL****)
123 EAST ANAPAMU ST., 2ND FLOOR)
SANTA BARBARA, CA 93101)

NO FEE PER GOVERNMENT CODE § 6103

APNs: 007-030-005, 007-030-019

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF THE PROPOSED)
VACATION OF A PORTION OF A)
COUNTY TRAIL)

RESOLUTION NO. _____
STREETS AND HIGHWAYS CODE
SECTION 8320

**SUMMARY ORDER TO VACATE
A COUNTY TRAIL**

**PORTIONS OF OLD PUEBLO TRAIL,
IN THE TOWN OF MONTECITO, CALIFORNIA**

WHEREAS, the County of Santa Barbara (hereinafter "COUNTY") holder of an easement for that certain trail segment in the unincorporated area of the County of Santa Barbara, State of California, known as Old Pueblo Trail in the town of Montecito (the "Trail"), which Trail was acquired as an easement interest by COUNTY on May 31, 1955 pursuant to Record of Survey Book 36, Page 13 of the Office of the County Recorder; and

WHEREAS, the portions of the Old Pueblo Trail proposed for vacation (collectively the "Portion") are located within County Assessor's Parcel Numbers 007-030-005 and 007-030-019 (herein the "Properties"), which are legally described in Exhibits "A" and "B" attached hereto and incorporated herein by this reference; and

WHEREAS, the proposed vacation would relinquish the COUNTY's easement interests in the Portions; and

WHEREAS, at its regular meeting of September 22, 2020, the COUNTY'S Planning Commission found that relocation of the trail and abandonment of the Portions to be in conformity with the COUNTY'S Comprehensive Plan pursuant to Government Code Section 65402(a); and

WHEREAS, it has been determined by COUNTY'S Community Services Department that, in accordance with Section 892(a) of the California Streets and Highways Code, the Portions are not useful as a nonmotorized transportation facility designed primarily for the use of pedestrians, bicyclists, or equestrians; and

WHEREAS, in accordance with California Streets and Highways Code section 8308, "street" and "highway" include all or part of, or any right in, a trail, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway; and

WHEREAS, it has been determined by the COUNTY'S Community Services Department that the Portions will be replaced by easements for the Trail located in an acceptable nearby location; and

WHEREAS, it has been determined by the COUNTY'S Community Services Department that the Portions are excess rights-of-way of a street or highway not required for street or highway purposes; and

WHEREAS, no parcels will be landlocked if the vacation of the Portions is consummated; and

WHEREAS, in accordance with California Streets and Highways Code Section 8334(a), the legislative body of a local agency may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes, and the excess portion meets this criterion; and

WHEREAS, in accordance with Section 8340(c) of the California Streets and Highways Code, the COUNTY is required to reserve and except from the vacation of the Portions any easement and right necessary to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use; and

WHEREAS, in accordance with California Streets and Highways Code Section 8334.5, a street or highway may be summarily vacated unless there are any in-place public utility facilities that are in use and would be affected by the vacation; and

WHEREAS, COUNTY has contacted all public utility companies operating in the Town of Montecito and determined there are no public utility facilities that are in place or in use within the Portions or that would be affected in any way by the vacation of the Portions.

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

1. That the above recitals are true and correct.
2. The Portions being vacated are unnecessary for present or prospective public use and is not useful as a nonmotorized transportation facility and is excess right of way of a street or highway not required for street or highway purposes since the Portions will be replaced by easements for the Trail located in an acceptable location nearby.
3. That the Portions of the Trail on the Properties which are legally described on Exhibit A and Exhibit B attached hereto and incorporated herein by this reference, are hereby summarily vacated as a County trail pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways Code of the State of California..
4. 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.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS

By: _____
Deputy

APPROVED AS TO FORM
RACHEL VAN MULLEM,
COUNTY COUNSEL

By: 
Mike Munoz, Senior Deputy

Date: 12/15/2021

Exhibit A

(Byrne Property-812 Park Hill Lane, Santa Barbara, California)

DESCRIPTION:

All that certain land situated in the State of California in the unincorporated area of the County of Santa Barbara, described as follows:

PARCEL ONE:

That certain real property in the County of Santa Barbara, State of California, described as follows:

Beginning at a one-half inch survey pipe set on the center line of a 40 foot private road at the most Northerly corner of the tract of land described in Deed to Ned B. Tilt, et ux., recorded August 16, 1954, as Instrument No. 13921, in Book 1261, Page 3 of Official Records, in the Santa Barbara County Records, from which a one half inch survey pipe set on the Southerly line of said road, bears South 5°29' East 20.00 feet distant, said point of beginning being more fully shown on a record of survey map filed in Book 31, Page 27 of Record of Surveys, in the said County Records, thence along the Northerly line of said Tilt Tract of land and along the center line of said 40 foot road the following two courses and distances, 1st, South 84°31' West 85.00 feet to alone-half inch survey pipe set at the beginning point of a curve to the left, having a radius of 75 feet and a delta of 39°54' and 2nd Southwesterly along the arc of said curve 52.23 feet to the end thereof, thence 3rd, North 45°23' West 22.76 feet to a one-half inch survey pipe, thence 4th, North 14°28'20" West 325.00 feet to a point on the center line of a 40 foot private road easement, said point being the beginning, point of a curve concave to the South whose radial center bears South 26°31' East 127.81 feet and has a delta of 53°09'40" thence along said center line the following courses and distances, 5th, Easterly along the arc of said curve, 118.59 feet to the end of said curve and the beginning a reverse curve to the left, having a radius of 223.60 feet and a delta of 55°14' thence 6th, along the arc of said curve 215.55 feet in an Easterly and Northeasterly direction to the end of said curve, thence 7th, North 61°24'40" East 108.77 feet to the beginning of a curve to the right, having a radius of 30 feet and a delta of 120.35 thence 8th, along the arc of said curve, 63.14 feet in a Northeasterly, Easterly,

Southeasterly and Southerly direction to the end of said curve, thence 9th, South 1°59'40" West 141.70 feet to the beginning of a curve to the right, having a radius of 100 feet and a delta of 55°13'20" thence 10th, along the arc of said curve, 96.38 feet in a Southwesterly direction to the end of said curve, thence 11th, South 57°13' West 129.17 feet, and 12th, South 63°44' West 82.44 feet to the point of beginning.

Exhibit B

(Arango Property- 843 Park Hill Lane, Santa Barbara, California)

That certain tract of land in the County of Santa Barbara, State of California, shown and designated as Lot "1" on A Record of Survey for Lot Line Adjustment, recorded June 3, 1997 in Book 148, Page 72 of Record of Surveys, in the Office of the County Recorder of said County.

Recording requested by and)
to be returned to:)
SANTA BARBARA COUNTY)
COMMUNITY SERVICES DEPARTMENT)
PARKS DIVISION)
****WILL CALL****)
123 EAST ANAPAMU ST., 2ND FLOOR)
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WHEREAS, the portions of the Old Pueblo Trail proposed for vacation (collectively the "Portion") are located within County Assessor's Parcel Numbers 007-030-005 and 007-030-019 (herein the "Properties"), which are legally described in Exhibits "A" and "B" attached hereto and incorporated herein by this reference; and

WHEREAS, the proposed vacation would relinquish the COUNTY's easement interests in the Portions; and

WHEREAS, at its regular meeting of September 22, 2020, the COUNTY'S Planning Commission found that relocation of the trail and abandonment of the Portions to be in conformity with the COUNTY'S Comprehensive Plan pursuant to Government Code Section 65402(a); and

WHEREAS, it has been determined by COUNTY'S Community Services Department that, in accordance with Section 892(a) of the California Streets and Highways Code, the Portions are not useful as a nonmotorized transportation facility designed primarily for the use of pedestrians, bicyclists, or equestrians; and

WHEREAS, in accordance with California Streets and Highways Code section 8308, "street" and "highway" include all or part of, or any right in, a trail, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway; and

WHEREAS, it has been determined by the COUNTY'S Community Services Department that the Portions will be replaced by easements for the Trail located in an acceptable nearby location; and

WHEREAS, it has been determined by the COUNTY'S Community Services Department that the Portions are excess rights-of-way of a street or highway not required for street or highway purposes; and

WHEREAS, no parcels will be landlocked if the vacation of the Portions is consummated; and

WHEREAS, in accordance with California Streets and Highways Code Section 8334(a), the legislative body of a local agency may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes, and the excess portion meets this criterion; and

WHEREAS, in accordance with Section 8340(c) of the California Streets and Highways Code, the COUNTY is required to reserve and except from the vacation of the Portions any easement and right necessary to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use; and

WHEREAS, in accordance with California Streets and Highways Code Section 8334.5, a street or highway may be summarily vacated unless there are any in-place public utility facilities that are in use and would be affected by the vacation; and

WHEREAS, COUNTY has contacted all public utility companies operating in the Town of Montecito and determined there are no public utility facilities that are in place or in use within the Portions or that would be affected in any way by the vacation of the Portions.

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

1. That the above recitals are true and correct.
2. The Portions being vacated are unnecessary for present or prospective public use and is not useful as a nonmotorized transportation facility and is excess right of way of a street or highway not required for street or highway purposes since the Portions will be replaced by easements for the Trail located in an acceptable location nearby.
3. That the Portions of the Trail on the Properties which are legally described on Exhibit A and Exhibit B attached hereto and incorporated herein by this reference, are hereby summarily vacated as a County trail pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways Code of the State of California..
4. 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.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

JOAN HARTMANN, CHAIR
BOARD OF SUPERVISORS

By: _____
Deputy

APPROVED AS TO FORM
RACHEL VAN MULLEM,
COUNTY COUNSEL

By: 
Mike Munoz, Senior Deputy

Date: 12/15/2021

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