

SANTA BARBARA COUNTY BOARD AGENDA LETTER



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

Agenda Number:
Prepared on: 10/14/05
Department Name: Public Works
Department No.: 054
Agenda Date: 11/8/05
Placement: Administrative
Estimate Time:
Continued Item: No
If Yes, date from:

TO: Santa Barbara County Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

STAFF CONTACT: Bret Stewart, Traffic Section Manager: 568-3232
Michael B. Emmons, County Surveyor: 568-3020
Harrison Heyl, Real Property Agent: 568-3072

SUBJECT: Hwy 101 Frontage Road Vacation at Easterly Terminus of Cedarhurst Dr., Orcutt
(Real Property Project No. R-151)
Fourth Supervisorial District

Recommendation(s):

That the Board of Supervisors:

1. Approve the attached original Real Property Sales Contract and Escrow Instructions between the County and Knollwood Properties, L.P., David W. Palmerston, Robin M. Palmerston, and Herbert L. Merrell, Trustee under Declaration of Trust dated March 6, 1970 f.b.o. R. Scott Merrell Trust to sell the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive in Orcutt, and authorize execution of the contract by the Chair of the Board.
2. Adopt the attached Resolution of Intent to Vacate ("Northerly Section") of the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive in Orcutt.
3. Adopt the attached Resolution of Intent to Vacate ("Southerly Section") of the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive in Orcutt.
4. Direct the Clerk of the Board to set a date of Tuesday, December 6th, 2005, for a hearing on the Board's Administrative Agenda regarding the proposed road vacation and for the Board's adoption of the Orders to Vacate said road property.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

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Executive Summary and Discussion:

The County of Santa Barbara (hereinafter "County") is the owner in fee absolute interest of the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive, Orcutt (the "Road").

The Road is comprised of two sections. The northerly section (hereinafter the "Northerly Section") is adjacent primarily to Assessor's Parcel No. 107-490-001. This parcel is owned by Knollwood Properties, L.P. ("Buyer #1").

The County agreed to quitclaim to Michael Towbes free of charge part of the Northerly Section (the "Quitclaim Area") pursuant to that certain Agreement No. 78-47120 recorded October 10, 1978 in the Office of the County Recorder upon completion of the construction of Cedarhurst Drive by Michael Towbes. Michael Towbes has completed the construction of Cedarhurst Drive as contemplated in said agreement and is a party to Buyer #1.

Buyer #1 has petitioned the County to abandon the Northerly Section in connection with the Knollwood Meadows Apartment Project (hereinafter the "Project"). Buyer #1 desires to purchase the remaining area of the Northerly Section from County not encumbered by the Quitclaim Area.

The Northerly Section will be heavily encumbered by public utility easements. The sales price of the Northerly Section established by a value estimate of the roadway has been set at twenty-two thousand two hundred sixty-three dollars (\$22,263.00).

The southerly section of the Road (hereinafter the "Southerly Section") is adjacent primarily to Assessor's Parcel No. 107-240-025. This parcel is owned by David W. Palmerston and Robin M. Palmerston; and Herbert L. Merrell, Trustee under Declaration of Trust dated March 6, 1970 f.b.o. R. Scott Merrell Trust (hereinafter collectively referred to as "Buyer #2").

The Southerly Section is contemplated for sale to Buyer #2. The Southerly Section will be heavily encumbered by a pedestrian and bike trail easement and public utility easements. The total sales price of the Southerly Section established by a value estimate of the roadway has been set at twenty-six thousand eight hundred fifty-three dollars (\$26,853.00).

At the Planning Commission hearing of February 9, 2005, the Planning Commission approved the Project, including the abandonment of the County's right-of-way.

Also at the Planning Commission hearing of February 9, 2005, the Planning Commission approved the Negative Declaration for the Project, and found the abandonment of the County's right-of-way to be in conformity with the County's Comprehensive Plan and the Orcutt Community Plan pursuant to Government Code Section 65402.

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It has been determined by the County's Public Works Department that the Northerly Section is unnecessary for present or future public use as a county road and is no longer required by the traveling public or the County due to the redevelopment of the Northerly Section and incorporation into the Project.

It has been determined by County's Public Works Department that, in accordance with Section 892(a) of the California Streets and Highways Code, the Northerly Section is not useful as a bicycle path or route. A portion of the Southerly Section has been determined to be useful as a bicycle path, and as part of the Project, a permanent easement for a public pedestrian and bike trail (hereinafter the "Trail") has been required over a portion of the Southerly Section.

The Trail shall be reserved for the benefit of the public and the County and shall survive the transfer of the Southerly Section to Buyer #2 in perpetuity in the form of an easement (rather than a fee simple interest).

The attached Real Property Sales Contract and Escrow Instructions is for the purpose of selling the Northerly Section to Buyer #1 and the Southerly portion to Buyer #2. Additionally, the contract provides for the protection of in-place and in-use public utilities owned by PG&E and Verizon through the conveyance of public utility easements in escrow in accordance with Section 8340(c) of the California Streets and Highways Code. The Real Property Section of the Surveyor's Division will open escrow at First American Title Company; escrow is expected to close in sixty (60) days.

The attached Resolution of Intent to Vacate the Northerly Section and Resolution of Intent to Vacate the Southerly Section will provide for notice to the public of the County's proposed vacation of the Road.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

The County Road Fund will receive an influx of approximately forty-five thousand dollars (\$46,000) after escrow fees, debits and buyer credits are taken into account. Costs of the sale will be applied to Dept. 054, Program 2100, Org Unit 0001, Account 7650, Activity 433. Revenue from the sale will be applied to Dept. 054, Program 2100, Org Unit 0001, Account 5918.

Special Instructions:

After Board action, distribute as follows:

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| 1. | Original Sales Contract | Clerk of the Board Files |
| 2. | Copy of Sales Contract | Surveyor's Division,
Attn: Harrison Heyl |

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| 3. | Original Resolutions | Clerk of the Board Files |
| 4. | Copies of Resolutions | Surveyor's Division,
Attn: Harrison Heyl |
| 5. | Minute Order | Transportation Division,
Attn: Bret Stewart |
| 6. | Minute Order | Surveyor's Division, Attn:
Harrison Heyl |

The Real Property Section of the Surveyor's Division will publish the Board's public notice and intention to vacate the Road in the Santa Barbara News-Press on the following dates: Monday, November 21st and Monday, November 28th. Real Property will also post notice of the proposed vacation conspicuously along the portion of road to be vacated for two successive weeks prior to said hearing.

Concurrence:

Transportation Division
Real Property – Surveyor's Division