

Attachment 1

ATTACHMENT 1

Resolution of Necessity

Assessor Parcel Number 007-120-101

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

IN THE MATTER OF INSTITUTING
PROCEEDINGS AND MAKING A
FINDING OF PUBLIC NECESSITY
FOR THE ACQUISITION OF
CERTAIN PROPERTY BY THE
SANTA BARBARA COUNTY
FLOOD CONTROL AND WATER
CONSERVATION DISTRICT.

RESOLUTION NO. _____
(4/5 vote required)

**RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC
INTEREST AND NECESSITY REQUIRE THE ACQUISITION
OF CERTAIN LAND AND DIRECTING THE FILING OF
EMINENT DOMAIN PROCEEDINGS**

WHEREAS, the RANDALL ROAD DEBRIS BASIN Project (“Project”) is being undertaken for the purpose of developing the most effective and encompassing debris basin for the benefit and future safety of the Montecito community, and otherwise furthering public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Barbara County Flood Control and Water Conservation District (“DISTRICT”) to acquire a fee interest in certain property more particularly described in **Exhibit “A”** (the “Subject Property”), attached hereto and made a part hereof by this reference, for the Project and the construction thereof; and

WHEREAS, the DISTRICT is authorized to acquire the Subject Property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 *et seq.*, California Government Code Sections 25350.5 and 40404; and, California Water Code and Water Code Appendix Section 74-1, *et seq.*, Section 74-5(12);

WHEREAS, the DISTRICT has extended multiple offers to the owner of the Subject Property, which offers were in an amount not less than the appraised value of the Subject Property as determined by an appraisal;
and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the Subject Property, all of whom have been given a reasonable opportunity to appear and be heard before

the Board of Directors of the DISTRICT at the time and place set forth in said notice, regarding the matters specified therein.

NOW, THEREFORE, IT IS FOUND, DETERMINED, RESOLVED AND ORDERED as follows:

1. The recitals contained herein are true and correct.
2. Upon examination of the alternatives, the DISTRICT requires the Subject Property for the Project.
3. The DISTRICT is authorized to acquire the Subject Property and continue to exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 *et seq.*, California Government Code Sections 25350.5 and 40404, and California Water Code and Water Code Appendix Section 74-1, *et seq.*, Section 74-5(12).
4. The public interest and necessity require the Project.
5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The Subject Property is necessary for the Project.
7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.
8. The DISTRICT has complied with all conditions and statutory requirements, including those prescribed by CEQA and NEPA and that are necessary for approval and adoption of the Project.
9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the Subject Property described herein have been complied with by the DISTRICT.
10. Insofar as the Subject Property has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use than the use to which the property is appropriated pursuant to Code of Civil

Procedure Section 1240.610.

11. The County Counsel and Special Eminent Domain Counsel, as designated, are authorized and directed to perform all acts necessary on behalf of the DISTRICT for the acquisition of the Subject Property and to do any and all other things in connection with such proceedings as in his/her or their judgment may be necessary or convenient to the successful conclusion of said proceeding or proceedings, including obtaining of an Order for Immediate Possession, the preparation, filing, amendment, dismissal, etc. of all pleadings and stipulations that in the opinion of Counsel are necessary for the processing of the litigation.
12. The County Counsel and the Director of the Public Works Department are hereby authorized to expend funds available to the DISTRICT for the acquisition of the Subject Property.

BE IT RESOLVED that the real property interest set forth in Exhibit "A", and shown in Exhibit "B", be acquired by eminent domain in the name of the DISTRICT for flood control purposes, as specified herein and County Counsel and its Special Eminent Domain Counsel are hereby authorized, empowered, and directed to prepare and prosecute in the name of the DISTRICT such proceeding or proceedings in the proper Court having jurisdiction thereof, as are necessary for such acquisition, and are authorized, at their discretion, to apply for an order or orders fixing the amount of such security in the way of money deposits as said Court may direct, and for an order or orders permitting said DISTRICT to take immediate possession and use of said real property for the public purposes.

PASSED AND ADOPTED by the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District, State of California, this the _____day of August, 2021 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

“DISTRICT”
“SANTA BARBARA COUNTY FLOOD”
CONTROL and WATER CONSERVATION
DISTRICT”

By: _____
Scott McGolpin, Public Works
Director and District General Manager

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICER

EX OFFICIO CLERK OF THE
BOARD OF DIRECTORS OF THE
SANTA BARBARA COUNTY
FLOOD CONTROL & WATER
CONSERVATION DISTRICT

By: _____
Sheila de la Guerra
Deputy Clerk

APPROVED AS TO FORM:
RACHEL VAN MULLEN
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING:
BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By: _____
Scott Greenwood
Deputy County Counsel

By: _____
C. Edwin Price, Jr.
Deputy Auditor-Controller

EXHIBIT "A"

Legal Description

APN: 007-120-101

PARCEL ONE:

That portion of the Outside Pueblo Lands of the City of Santa Barbara, in the County of Santa Barbara, State of California, described as follows:

Commencing at a pipe survey monument with brass cap set on the Westerly line of the Elizabeth Watson Randall Tract in Montecito, Santa Barbara County, from which a one-inch pipe survey monument set at the Southeast corner of Pacific Southwest Trust and Savings Bank Property, as per deed recorded in [Book 77 at Page 458 of Official Records](#), in the Office of the County Recorder of said County, bears South 6°23' East 79.37 feet, another two-inch pipe with brass cap at an angle point on said Westerly line of Randall Tract bears South 6°23' East 120.00 feet, a two-inch pipe with brass cap bears North 6°23' West 12.63 feet;

thence 1st, South 89°42' East through said Randall Tract 265.83 feet to the Easterly line of said Randall Tract 265.83 feet to the Easterly line of said Randall Tract, and the Westerly line of the Clifford Greene Property, as per deed recorded in [Book 183, Page 84 of Official Records](#), in the Office of the County Recorder of said County;

thence along the line between said Randall and Clifford Greene Property, the following courses and distances; 2nd, South 16°40' East 30.43 feet; 3rd, South 15°08' East 126.40 feet; 4th, South 9°12', West 64.7 feet to the true point of beginning of the property herein described;

thence continuing along said last mentioned property line the following courses and distances; 1st, South 27°18' East 57.80 feet, 2nd, South 56°30' East 31.04 feet;

thence 3rd, leaving said boundary line South 47°11'10" West 192.65 feet;

thence 4th, North 89°24' West 165.13 feet to a point on the Easterly line of the tract of land described in the deed to J.B. Canby, recorded in [Book 171, Page 246 of Official Records](#);

thence 5th, North 3°42' West along said Easterly line of said Canby Tract, 40.78 feet to a two-inch survey pipe shown on a survey map recorded in Book 23, Page 44 of Record of Surveys, in the Office of the County Recorder of Santa Barbara County;

thence 6th, North 23°55' West and along said Easterly line of said Canby Tract 66.00 feet;

thence 7th, North 61°27'43" East and leaving said Easterly line of said Canby Tract 126.71 feet;

thence 8th, North 79°47'03" East 176.71 feet to the true point of beginning.

EXCEPTING that portion conveyed to County of Santa Barbara and the Santa Barbara County Flood Control and Water Conservation District by deed recorded March 7, 1966 as Instrument No. 7800 in [Book 2142, Page 1249 of Official Records](#).

PARCEL TWO:

An easement for road, public utility, and sewer purposes, as reserved in deed recorded July 19, 1963 as Instrument No. 30789 in [Book 2003, Page 977 of Official Records](#), over along and upon a strip of land 54 feet in width lying adjacent to, parallel with, and Easterly of the following described line:

Beginning at the Southwest corner of the tract of land described above as Parcel One;

thence South 3°42' East 69.95 feet;

EXHIBIT "A"
Legal Description
(continued)

thence South 7°53' East 95.10 feet;

thence South 4°11' West 82.07 feet to the Northerly line of East Valley Road, being a portion of Parcel "A" of Tract 10361 per map recorded in [Book 73, Page 42 and 43 of Records of Surveys](#) on file in the Office of the County Recorder of said County.

EXCEPTING that portion of Parcel Two as conveyed to the State of California by deed recorded June 17, 1965 as Instrument No. 21072 in Book 2109, Page 248 of Official Record

EXHIBIT "B"

