

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

IN THE MATTER OF INSTITUTING)
 PROCEEDINGS AND MAKING A FINDING)
 OF PUBLIC NECESSITY FOR THE) **RESOLUTION NO.** _____
 ACQUISITION OF CERTAIN REAL PROPERTY) (4/5 Vote Required)
 IN THE UNINCORPORATED AREA OF THE COUNTY)
 OF SANTA BARBARA, FROM THE FINEAR FAMILY)
 TRUST AS THE SEPARATE PROPERTY OF)
 DAVID R. FINEAR)

BE IT RESOLVED, that the Board of Supervisors of the County of Santa Barbara, State of California, does hereby find and determine as follows:

A. That the County of Santa Barbara wishes to acquire a permanent easement on a portion of the property located in the Second Supervisorial District, to wit, County Assessor Parcel Number 153-320-021, hereinafter legally described, in connection with the San Marcos Road Slide Project; and

B. That the intent is to acquire such real property for all the uses and purposes of a slope protection and drainage improvements and related public improvements, to facilitate the construction of the Project, and for purposes under the authority of:

1. Article I, Section XIX of the California Constitution;
2. Code of Civil Procedure, Section 1240.010, 1240.110, and 1240.120;
3. Government Code Section 25350.5;
4. Streets and Highways Code Section 943; and

C. That such certain real property within the unincorporated territory of the County of Santa Barbara, State of California, is legally described and shown on Exhibit "A" attached hereto and made a part hereof; and

D. The emergency opening procedures under the State Declared Emergency (December 28th, 2004) waived the requirements of the California Environmental Quality Act (CEQA). The project was completed under the authority of a temporary entry permit, and

IT IS HEREBY FOUND AND DETERMINED by at least a four-fifths (4/5) vote of this Governing Board that:

1. The public interest and necessity require the proposed Project; and
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; and

3. The real property sought to be acquired, or interest in real property sought to be acquired, is necessary for the proposed Project; and

4. Due to the urgent nature of this matter an offer has not been made to the property owner but will be made as soon as practicable after the adoption of this Resolution.

BE IT RESOLVED that the interest in the real properties shown on Exhibit "A" attached hereto be condemned in the name of the County of Santa Barbara for said public purposes, as specified herein. The law firm of Oliver, Vose, Sandifer, Murphy, and Lee, Special Counsel, together with County Counsel of the County, are hereby authorized, empowered, and directed to prepare and prosecute in the name of the County 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.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day _____, 2006, by the following vote:

AYES;

NOES:

ABSTAINED:

ABSENT:

COUNTY OF SANTA BARBARA

ATTEST:
MICHAEL F. BROWN,
CLERK OF THE BOARD

By: _____
Chair, Board of Supervisors

By: _____
Deputy

Date: _____

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

APPROVED AS TO FORM:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____
Deputy

By: _____