



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

Department Name: General Services
Department No.: 063
For Agenda Of: December 9, 2008
Placement: Departmental
Estimated Tme: 10 Minutes
Continued Item: No
If Yes, date from:
Vote Required: 4 votes

TO: Board of Supervisors
FROM: Department Bob Nisbet (560-1011)
Director(s) General Services Department
Contact Info: Paddy Langlands, Assistant Director (568-3096)
Sheriff Custody
SUBJECT: Santa Claus Lane Beach Access Acquisition Project – First Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Parks

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve the Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines regarding the acquisition of two vacant parcels located on the sandy beach area of the ocean side of the Union Pacific Railroad Company's right of way, in the Santa Claus Lane area of Carpinteria Valley, in the County of Santa Barbara; and
- b) Accept the Planning Commission's report showing that acquisition of the proposed vacant parcels are consistent with the Comprehensive Plan of the County of Santa Barbara pursuant to Government Code 65402; and
- c) Adopt the Resolution of Necessity to acquire real property in fee simple interest for all the uses and purposes of beach access and beach use and any related public improvements on property identified as owned by Jean B. Saxby (005-440-002) and Laura A. Maloney and Josephine F. Babcock (005-440-003), in the incorporated area of the County of Santa Barbara, located on the ocean side of the Union Pacific Railroad Company's right of way, in the Santa Claus Lane area of the Carpinteria Valley. (4 votes)

Summary Text: The Resolution of Necessity encompasses the acquisition of two vacant parcels for all the uses and purposes of beach access and beach use. It is in the public interest and necessity to acquire these parcels to show public ownership on either side of the railroad tracks for the Public Utility Commission to consider the County's permit application for an at grade railroad crossing in the Santa

Claus Lane Beach area. Upon adoption of this Resolution, County Counsel and Special Legal Counsel of Law Offices of Oliver, Sandifer and Murphy shall commence with the necessary condemnation proceedings in Superior Court.

Background:

A notice and an opportunity to be heard was not given to the above referenced persons because no persons are shown on the last equalized County assessment roll for the real property to be acquired herein and that said persons are difficult to find through the public record and/or deceased. A proper Appraisal Report was provided on the property interest to be acquired. The offer of just compensation will be deposited into the State Eminent Domain Account.

Pursuant to Section 1245.235 of the Code of Civil Procedure, a hearing for the owner must be held prior to adoption of a Resolution of Necessity.

The Planning Commission consistency report required by Government Code 65402 is being transmitted to the Board in letter form as late distribution due to the scheduling of this item on the Planning Commission agenda.

Fiscal and Facilities Impacts: ____

Budgeted: Yes

Fiscal Analysis:

The current cost estimates for acquisition of the two vacant parcels are as follows:

- Special legal counsel services - \$80,000
- Acquisition costs for two vacant parcels - \$10,000
- County real estate services staff time - \$10,000

The costs for special legal counsel services and acquisition of the two parcels (totaling \$90,000) will be paid for from a previous General Fund allocation to Parks Department’s capital outlay budget (Fund 0030) for this project, which has a current balance of \$96,000. The remaining costs for County real estate services staff time (\$10,000) will be paid for from the Parks Department’s operating budget appropriation of \$17,000 for these services.

Special Instructions:

Upon approval and execution, the Clerk of the Board should distribute as follows:

- | | |
|--|---|
| 1. Original Resolution | Official File |
| 2. Original Planning Commission Report | Official File |
| 3. Copy of Resolution & Minute Order | Gen Svcs/Real Estate Svcs – Attn: Ronn Carlentine |
| 4. Copy of Resolution & Minute Order | Parks Department – Attn: Claude Garciacelay |

Attachments:

Resolution of Necessity & Planning Commission 65402 Report Letter

Authored by: Ronn Carlentine, Gen. Svcs. Dept./Office of Real Estate Services