



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/Public Works
Department No.: 063/054
For Agenda Of: July 25, 2017
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Janette D. Pell, General Services 560-1011
Directors: Scott McGolpin, Public Works 568-3010
Contact Info: Skip Grey, Assistant Director, General Services 568-3083
Chris Sneddon, Assistant Director, Public Works 568-3005
SUBJECT: Proposed Vacation and Sale of Portions of Hollister St. and Lillie Ave. Road Right-of-Way & Dedication of Road Easement, Summerland; First District (R/P File No.: 003775)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the attached original and duplicate original Sale Contract and Escrow Instructions (Attachment 1) between the County, as Seller, and Hollister Lillie, LLC, a Delaware limited liability company, as Buyer, for the County's sale of excess, fee simple road right-of-way consisting of portions of Hollister Street and Lillie Avenue (collectively referred to as the "Portion") located adjacent to 120 Hollister Street, Summerland (County Assessor Parcel Number 005-182-001) for \$35,000, and the Buyer's dedication of an easement for roadway purposes to the County;
- b) Adopt the attached Resolution and Summary Order to Vacate a County Road (Attachment 2) vacating the County's right of way across the Portion, and reserving public utility easements for existing in-place utilities for Summerland Sanitary District, Montecito Water District, Southern California Edison Company, Southern California Gas Company, Cox Communications Company, and Frontier Communications Company;

- c) Approve and authorize the Chair to execute the attached Quitclaim Deed (Attachment 3) conveying the Portion to the Buyer in “as is” condition;
- d) Approve and authorize the Clerk of the Board to execute the original Certificate of Acceptance to the copy of the Easement Deed (Attachment 4) conveying title to a road easement (the “Easement”) on Varley Street dedicated by the Buyer to the County; and
- e) Determine that there is no possibility that the recommended actions may have a significant effect on the environment and are therefore exempt from further review under the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15061(b)(3), *Review for Exemption*, and approve and direct staff to file and post the attached Notice of Exemption (Attachment 5) on that basis.

Summary Text:

This item is being brought to the Board of Supervisors in connection with a development project at 120 Hollister Street, Summerland, also known as Assessor’s Parcel Number 005-182-001 (hereinafter the “Property”). The Board actions will effectuate the vacation and sale of unneeded, excess portions of fee simple road right-of-way in Hollister Street and Lillie Avenue (collectively the “Portion”) from the County to the Buyer for the sale price of \$35,000, and facilitate the dedication of the Easement for roadway purposes from the Buyer to the County along Varley Street.

Background:

The Property is being redeveloped with two new commercial buildings under Coastal Development Permit Number 15CDP-00000-00092. The project involves the vacation and sale of the Portion by the County to the Buyer for the appraised value of \$35,000.

The Portion totals approximately 2,590 square feet in size. The Portion is legally described on Exhibit A and shown on Exhibit B attached to the Resolution and Summary Order to Vacate a County Road (the “Resolution”). The Portion is held in fee simple interest by the County pursuant to that certain map recorded in Rack No. 1, Map No. 2, of the Office of the County Recorder.

The project also entails the dedication of about 150 square feet of road ROW from the developer to the County along Varley Street.

The proposed right-of-way vacation will dispose of excess County road right-of way by vacating the right of way and selling the County’s fee simple interest in the Portion. It has been determined by the County’s Public Works Department that the Portion is unnecessary for present or future public use as a county road and is not required by the traveling public or the County. No parcels will be landlocked if the vacation is consummated.

At its regular meeting on January 11, 2017, the County’s Planning Commission found the abandonment of the Portion and the dedication of the Easement to be in conformity with the County’s Comprehensive Plan pursuant to Government Code Section 65402(a). Additionally, pursuant to Streets and Highways Code 892(a), the Portions to be vacated have not been found to be useful as a non-motorized transportation facility such as a pedestrian trail, bike path, or equestrian trail.

All public utility providers operating in the Town of Summerland were informed of the proposed vacation and asked if they maintain facilities in the Portion. Summerland Sanitary District, Montecito Water District, Southern California Edison Company, Southern California Gas Company, Cox Communications Company, and Frontier Communications Company have indicated they have in-place and in-use public utilities in the area of the Portion, easements for which shall be reserved and excepted from the vacation of the Portion in accordance with California Streets and Highways Code Section 8340(c).

If the Board approves the attached Sale Contract and Escrow Instructions, escrow will be opened to consummate the sale of the Portion to the Buyer for the sale price of \$35,000 and the dedication of the Easement to the County. If the Board approves the attached Summary Order to Vacate and Quitclaim Deed, the County's interest in the Portion will be permanently abandoned and conveyed to the Buyer in "as is" condition when these documents are recorded at close of escrow. The 60-day escrow will also require the Buyer to complete a Voluntary Merger with the County Surveyor's Office which merges the portion with the Buyer's Property at close of escrow. Lastly, the Board's approval and the Clerk's execution of the Certificate of Acceptance for the Easement being transferred from the Buyer to the County is required for recordation, which will permanently vest title to the Easement in County.

Pursuant to the California Environmental Quality Act (CEQA) 14 CCR Section 15061(b)(3), the vacation of the Portion and the dedication of the Easement should be considered exempt from CEQA review as there is no possibility that these actions will have a significant effect on the environment. These transactions will not result in physical impacts or changes to the environment or land. The staff report for the County Planning Commission's hearing of January 11, 2017, noted, "The proposed vacation of right-of-way and acceptance of an easement will not change the existing use of the property, which is currently developed with landscape and hardscape associated with an existing residence on the lot and is proposed to be redeveloped with new landscaping and hardscape improvements that are associated with a recently approved new commercial/retail complex that was approved by the County as part of Case No. 15CDP-00000-00092. Thus, this project is exempt from environmental review in accordance with CEQA Guidelines Section 15061(b)(3), General Rule Exemption."

Fiscal and Facilities Impacts:

Budgeted: N/A

The applicant for the road vacation is paying for the County staff time needed to facilitate this transaction. The applicant is installing sidewalk, curb, and gutter improvements at the applicant's cost as part of Case No. 15CDP-00000-00092. The County will receive \$35,000 in compensation for the Portion upon close of escrow that will be prioritized for use in the Summerland community for transportation purposes.

Special Instructions:

After Board action, please distribute as follows:

1. Original Sale Contract and Escrow Instructions: Clerk of the Board Files
2. Duplicate original Sale Contract and Escrow Instructions: General Services, Attn: A. Kinsella

3. Original Resolution and Summary Order to Vacate: Clerk of the Board Files
4. **Certified copy** of the Resolution and Summary Order to Vacate: General Services, Attn: A. Kinsella
5. Copy of Quitclaim Deed: Clerk of the Board Files
6. Original Quitclaim Deed: General Services, Attn: A. Kinsella
7. Copy of Easement Deed with copy of Certificate of Acceptance: Clerk of the Board Files
8. Copy of Easement Deed with original Certificate of Acceptance: General Services, Attn: A. Kinsella
9. Minute Order: General Services, Attn: A. Kinsella

Attachments:

1. Original and duplicate original Sale Contract and Escrow Instructions
2. Resolution and Summary Order to Vacate a County Road
3. Quitclaim Deed
4. Easement Deed
5. Notice of Exemption