



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: Public Works
Department No.: 054
For Agenda Of: April 13, 2010
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District
FROM: Department Scott D. McGolpin, Director of Public Works Department:
Director(s) 568-3010
Contact Info: Thomas D. Fayram, Deputy Public Works Director: 568-3436
SUBJECT: Acceptance of Santa Maria River Levee Parcels from San Luis Obispo County

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

- A. Approve the attached Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines re: accepting ownership of vacant parcels of land known as San Luis Obispo County Assessor's Parcel Numbers 090-291-037, 090-331-009, 090-331-014, 090-341-022, 090-341-029, 090-341-032, 090-341-043, 090-401-029, 090-401-030, and 092-231-017 as shown on the Exhibit attached to the Notice; and
- B. Accept the Quitclaim Deed from the County of San Luis Obispo regarding the above listed parcels by authorizing the Clerk of the Board to sign the Certificate of Acceptance attached thereto. The subject parcels comprise portions of the Santa Maria River Levee, and are shown on the Exhibit attached to the Quitclaim.

Summary Text:

The above action will return ownership of certain parcels that contain portions of the Santa Maria River Levee to Santa Barbara County Ownership. The transfer does not affect the County boundary in any way. These are parcels in which have the Levee constructed upon them, but are in San Luis Obispo County. Santa Barbara County originally acquired these parcels, the above action will return ownership to Santa Barbara County. The Santa Barbara County Flood Control District is responsible for Maintenance and operation of the entire Levee system.

Background:

The subject parcels were acquired by the Santa Barbara County Flood Control and Water Conservation District (District) in the 1950s and 1960s as parts of the Santa Maria River Levee facilities. The parcels are located within the San Luis Obispo County, but are maintained by the District by agreement with

San Luis Obispo (executed by both Counties in 1961). In the early 1970's, ownership of the parcels was assumed by San Luis Obispo County to clear property tax payments, while it was recognized that the District was still responsible for Operation and Maintenance of the Levee system.

During the design of the Levee repairs that are now under way. This issue was recognized and confused the ability of the District to Certify it had all necessary property ownership for the construction. To clear this issue up, San Luis Obispo County and Santa Barbara County agreed that ownership is best in the District's name, and such a transfer at this time clears any property tax issues.

The proposed transfer was found to be in compliance with California Government Code Section 65402 by the County of San Luis Obispo Department of Planning and Building. Generally, Government Code Section 65402 requires a finding of consistency with our General Plan before property is acquired by the County. However, that section expressly states that a determination is required only for property as to which our "adopted general plan or part thereof applies." In this instance, the property to be acquired is located in San Luis Obispo County and our County's adopted general plan is not applicable. Therefore, County Counsel has advised that no 65402 determination is required for this transaction.

Fiscal and Facilities Impacts:

Budgeted: Yes. The parcels are being transferred with no monetary consideration. Santa Barbara County Flood Control is currently using and maintaining the subject parcels as part of the Santa Maria River levee. Such use and maintenance comprises the non-monetary consideration for the transfer. There are no Fiscal impacts associated with the proposed action.

Fiscal Analysis:

Narrative: According to the San Luis Obispo County Tax Collector- the Government to Government transfer will render the parcels non-taxable.

Special Instructions:

Clerk of the Board, please distribute as follows:

1. Original Quitclaim Deed and Acceptance Public Works, Attn: Jeff Havlik
2. Copies of Quitclaim Deed & Acceptance Clerk of the Board Files
3. Minute Order Public Works, Attn: Jeff Havlik & Christina Lopez

The Real Property Section of the Surveyor's Division will deliver the original Quitclaim Deed and acceptance document to the San Luis Obispo County Recorder's office for recordation. San Luis Obispo County will send a certified copy of the fully recorded documents to Santa Barbara Real Property who will make and distribute copies within the County as appropriate and deliver the original to the Clerk.

Attachments:

Quitclaim Deed from the County of San Luis Obispo with corresponding Certificate of Acceptance.

Authored by:

Jeff Havlik, Real Property Agent, Public Works - Surveyors Division, 568-3073

cc:

Jon Frye, Public Works - Flood Control, 568-3444