

**SANTA BARBARA COUNTY
AGENDA BOARD LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Prepared on: **August 4, 2004**
Department: **Parks**
Department No.:
Agenda Date: **August 17, 2004**
Placement: **Administrative**
Estimate Time:
Continued Item: **NO**
If Yes, date from:

TO: Board of Supervisors

FROM: Terri Maus-Nisich
Director, Parks Department

STAFF CONTACT: Claude Garciacelay 568-2469
Don Grady 568-3065

SUBJECT: Resolution Accepting Offer to Dedicate Easement for Maintenance of Arroyo Burro Beach Park
Folio No. 003469
Second Supervisorial District

Recommendation(s):

That the Board of Supervisors:

Accept the Irrevocable Offer to Dedicate an Easement across Las Gaviotas Private Road and a portion of the property located at 3101 Cliff Drive, in the City of Santa Barbara, County of Santa Barbara, for the continued maintenance of a portion of Arroyo Burro Beach Park by approving the Resolution Accepting Offer to Dedicate Easement For Park Maintenance Purposes and directing the Clerk of the Board to execute the Certificate of Acceptance.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

In 1979, the owners of the property located at 3101 Cliff Drive, in the City of Santa Barbara, County of Santa Barbara, and immediately adjacent to Arroyo Burro Beach Park, applied to the California Coastal Commission for a development permit. The Commission, acting on behalf of the People of the State of

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California, granted Coastal Development Permit A-44-79, which allowed the owners to subdivide the 7.8 acre bluff top parcel into five developable parcels, upon certain conditions. One such condition required the owners of the property to make an irrevocable offer to dedicate to the County of Santa Barbara as owners and operators of the Park, an easement for emergency and routine maintenance of a portion of the Park.

The easement would extend from Cliff Drive, across the existing private road which is now Las Gaviotas Road, and then across Lot No. 5 of the proposed subdivision. The purpose of the easement was to allow the Santa Barbara County Parks Department access to the elevated portion of the Park to conduct routine and emergency maintenance. As required, the owners recorded an Irrevocable Offer to Dedicate the easement to the County in the official records of the Santa Barbara County Clerk Recorder on August 27, 1979, as Document Number 79-39877

The period of irrevocability of the offer to dedicate the easement was determined to be twenty-five years from the date of recordation of the offer, and would bind successors and assigns of the owner. The subdivision was completed according to the Development Permit granted by the Commission. Parcel 5 of the subdivision became County Assessor Parcel Number 047-092-018. Since that time, Our County Parks Department has been utilizing the easement for the intended purposes of routine and emergency maintenance of the upper portion of the Park.

Although there have been no issues regarding Parks' use of the easement area, the Parks Department has determined that it is in the best interest of the County to memorialize the easement by recording our formal acceptance of the Irrevocable Offer prior to its expiration. Therefore, your approval and execution of this Resolution will direct General Services to record the Resolution formally accepting the Irrevocable Offer and preserving the County's right to continued use of the easement area in perpetuity.

Mandates and Service Levels:

No change in programs or service levels.

Special Instructions:

After Board action, the Clerk should distribute as follows:

- | | |
|---------------------------------------|--------------------------------------|
| 1. Temporary Copy of Document | Board Official File |
| 2. Original document and Minute Order | Facilities Services, Attn: Don Grady |

NOTE: Facilities Services will deliver the original document to the Recorder's Office for recordation and then return the original to the Clerk for the official files.

Concurrence:

General Services/Real Estate Services

Recording requested by
And when recorded mail to:

County of Santa Barbara
General Services Department
Real Estate Services
Will Call

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

Document entitled to free recordation
pursuant to Government Code Section 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NO TAX DUE

APN: 047-092-018 (portion)

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

RESOLUTION NO. _____

In the Matter of the Board of Supervisors) **RESOLUTION ACCEPTING OFFER**
Accepting Offer to Dedicate Easement) **TO DEDICATE EASEMENT FOR**
Across County Assessor Parcel Number) **PARK MAINTENANCE PURPOSES**
047-092-018)

WHEREAS, on April 4, 1979, the California Coastal Commission, acting on behalf of the People of the State of California, granted Coastal Development Permit A-44-79 to the owners of the property located at 3101 Cliff Drive, in the City of Santa Barbara, County of Santa Barbara, for the division of a 7.8 acre bluff top parcel immediately adjacent to Arroyo Burro Beach Park, upon certain conditions; and

WHEREAS, one such condition required the owners of the property to make an irrevocable offer to dedicate to the County of Santa Barbara an easement for emergency and routine maintenance of the neighboring Arroyo Burro Beach Park, where such easement would extend from Cliff Drive across the existing private road and Lot No. 5 of the proposed subdivision, to a portion of the Park; and

WHEREAS, the property was subdivided and Lot No. 5 of the proposed subdivision became the parcel commonly known as Santa Barbara County Assessor Parcel Number 047-092-018, the existing private road is now known as Las Gaviotas, and Arroyo Burro Beach Park is operated by the Santa Barbara County Parks Department; and

WHEREAS, the period of irrevocability of the offer to dedicate the easement was determined to be twenty-five years from the date of recordation of the offer, and would bind successors and assigns of the owner; and

WHEREAS, the Irrevocable Offer to Dedicate the easement was recorded in the official records of the Santa Barbara County Clerk Recorder on August 27, 1979, as Document Number 79-39877; and

WHEREAS, the County of Santa Barbara wishes to accept said Irrevocable Offer to Dedicate prior to its expiration by recording this Resolution Accepting Offer to Dedicate Easement for Park Maintenance Purposes.

NOW, THEREFORE, BE IT RESOLVED, the Santa Barbara County Board of Supervisors does hereby find, determine and order as follows:

1. The above recitals are true and correct; and
2. A copy of the Legal Description describing the original 7.8 acre parcel that was subdivided as Parcel One, Lot No. 5 of the subdivision (now APN 047-092-018) as Parcel Two, and the existing private road (now Las Gaviotas) as Parcel Three, is attached hereto and incorporated herein by reference as Exhibit "A"; and
3. That on behalf of the People of the State of California and of the County of Santa Barbara, the Board of Supervisors of the County of Santa Barbara, State of California, hereby accepts the easement as described in the Irrevocable Offer to Dedicate, Document Number 79-39877, as recorded in the official records of the Santa Barbara County Clerk Recorder's Office by executing the Certificate of Acceptance; and
4. That this Resolution be recorded in the Santa Barbara County Clerk Recorder's Office.

Passed and adopted by the Board of Supervisors of the County of Santa Barbara, State of California, this Seventeenth day of August, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

CHAIR, BOARD OF SUPERVISORS

By: _____

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy

ACKNOWLEDGMENT

C.C. 1189

State of California)
)
County of Santa Barbara)

On _____ before me, _____,
personally appeared _____,
personally known to me (or proved to me on the basis of satisfactory evidence) to be the
person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____

(Seal)

CERTIFICATE OF ACCEPTANCE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA: SS.

THIS IS TO CERTIFY that the interest in real property conveyed by the IRREVOCABLE OFFER TO DEDICATE dated June 12, 1979, from GEORGE F.L. ARMSTRONG and BARBARA E. ARMSTRONG, Husband and Wife, and LEE G. STANLEY and KATHERINE M. STANLEY, Husband and Wife, as tenants in common, to the COUNTY OF SANTA BARBARA, a political subdivision of the State of California, is hereby accepted by Order of the Board of Supervisors of the County of Santa Barbara on _____, _____, and the County of Santa Barbara as grantee consents to recordation thereof by its duly authorized officer.

WITNESS my hand and official seal

this _____ day of _____, _____

MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy Clerk