

Attachment 1

ATTACHMENT 1

Resolution and Summary Order to Vacate

Recording requested by and)
to be returned to:)
SANTA BARBARA COUNTY)
General Services Department)
Real Property Division)
1105 Santa Barbara St., 2nd Floor)
Santa Barbara, CA 93101)
WILL CALL)
))
COUNTY OF SANTA BARBARA)
OFFICIAL BUSINESS)

No Fee Pursuant to
California Government Code § 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE
APN: 073-330-028 & -029

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SANTA BARBARA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

IN THE MATTER OF THE PROPOSED)
VACATION OF A FLOOD CONTROL)
EASEMENT)

RESOLUTION NO. _____

CAL. WATER CODE APPENDIX §74-32;
CAL. STREETS AND HIGHWAYS CODE
§8335

**FINDINGS AND SUMMARY ORDER TO VACATE
A FLOOD CONTROL EASEMENT**

(EASEMENT FOR ACCESS PURPOSES)

WHEREAS, the Santa Barbara County Flood Control and Water Conservation District (hereinafter "District") is the holder and owner of the easement rights identified as PARCEL 2 on Page 1 & 2 of the "Exhibit A" and depicted on "Exhibit B" set forth in the "Grant of Easements" dated November 16, 2000, and recorded on November 28, 2000, as Instrument Number 2000-0074010 of Official Records of the Recorder, County of Santa Barbara, State of California attached hereto as Attachment 1 (hereinafter, the "Flood Control Easement"); and

WHEREAS, the VILLAGE AT LOS CARNEROS MASTER HOMEOWNERS ASSOCIATION, formerly known as RCS-LOS CARNEROS, L.L.C. (hereinafter, "Village HOA), are the owners in fee of the property located on Assessor Parcel Numbers 073-330-025 and -028 (formerly 073-330-017), and "Grantors" in the Grant of Easements dated November 28, 2000, pursuant to plans for the development of the Village at Los Carneros approved by the City of Goleta (Tract No. 32050) as

shown on a Subdivision Map filed on March 10, 2012 in Book 206 at Pages 31 through 54 inclusive of maps, in the Office of the Santa Barbara County Recorder,

WHEREAS, Village HOA wishes to grant to District a permanent new easement for access, the “Access and Maintenance Easement,” in exchange for the release by District of the Flood Control Easement; and

WHEREAS, the Access and Maintenance Easement will replace and supersede by relocation the Flood Control Easement; and

WHEREAS, the Access & Maintenance Easement Deed, attached hereto as Attachment 2, will be executed concurrently with the execution of this Resolution; and

WHEREAS, the affected property is in the jurisdiction of the City of Goleta. A request for a determination of conformity with the City of Goleta’s General Plan was made on January 13, 2016. The allowable period of 40 days for response to our request pursuant to Government Code Section 65402(b) expired. A response came in the form of a call from a City of Goleta planner on February 10, 2016, stating that there wasn’t enough time to place the item on their Planning Commission Agenda, and that being said, an email was sent stating “In this instance, it is acceptable to the City [of Goleta] for this easement to be deemed in conformance with the General Plan based on the provisions of Government Code Section 65402.”; and

WHEREAS, in accordance with Section 74-32 of the California Water Code Appendix, the District may dispose of property in the manner prescribed by law for such action by counties if the District Board of Directors determines by resolution that the property is no longer necessary to be retained for flood control uses and purposes; and

WHEREAS, in accordance with California Streets and Highways Code Section 8333(c), the District may summarily vacate public service easements that have been superseded by relocation or determined to be excess by the easement holder; and

WHEREAS, the original Grant of Easements for the Flood Control Easement specifically states it is “a non-exclusive easement for flood control access and maintenance” and District hereby declares they have not installed any utilities in the easement area.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the DISTRICT does hereby find, determine and order as follows:

1. That the above recitals are true and correct.
2. In accordance with Section 74-32 of the California Water Code Appendix and California Streets and Highways Code Sections 8333 and 8335, the Flood Control Easement is no longer necessary to be retained for the uses and purposes of the District because it has been or will be replaced and superseded by relocation.

3. The Flood Control Easement is hereby summarily vacated pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways code of the State of California.
4. That this Resolution, attested to by the Clerk of the Board under the seal of the Board, shall be recorded in the Office of the County Recorder in the County of Santa Barbara, State of California, and that the date of recording shall become the effective date of this Order to Vacate.
5. From and after the date that this Resolution is recorded, the Flood Control Easement shall no longer constitute a public service easement.

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PASSED AND ADOPTED by the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District, a dependent special district of the County of Santa Barbara, this _____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:


SANTA BARBARA COUNTY
FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD
Ex Officio Clerk of the Santa Barbara County
Flood Control and Water Conservation District

GREGG HART, CHAIR
BOARD OF DIRECTORS

By: _____
Sheila de la Guerra
Deputy

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By:  _____
Scott Greenwood
Deputy County Counsel