

**SANTA BARBARA COUNTY
BOARD AGENDA 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 19, 2002
Department: Public Works
Budget Unit: 054
Agenda Date: September 3, 2002
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: The Santa Barbara County Flood Control And Water Conservation District

FROM: Phillip M. Demery, Director
Public Works Department

STAFF CONTACT: Karl Treiberg, Flood Control/ Water Resources
(805) 568-3443

SUBJECT: Acceptance of Ownership, A.P.N. 071-090-047
Second Supervisorial District

Recommendations:

That the Board of Directors of the Santa Barbara County Flood Control And Water Conservation District (herein the "District") accept the Grant Deed transferring fee ownership of A.P.N. 071-090-047 to the District by executing the Certificate of Acceptance attached thereto. (Clerk, Four-fifths vote required).

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:

The property in question is known as A.P.N. 071-090-047, (herein the "Property") and is owned in fee by Henry and Georgia V. Borgaro, Trustees for the Henry Borgaro Family Trust recorded September 19, 1991. The Property is a small unimproved parcel of land located adjacent to the San Jose Creek and Flood Control channel which can be used by the District in its maintenance operations therein.

A Phase I Environmental Site Assessment was performed on the Property by Tetra Tech Incorporated for the Flood Control District. That assessment included, but was not limited to, a review of: pertinent regulatory agency databases, published and unpublished reports, historical aerial photographs, a physical reconnaissance of the Property and interviews with the current Property owners. Although neighboring properties have been developed over the years, the historical photographs (commencing in 1929) show no improvements on the Property. Although no structures, pools of liquid, stained soils, or odors were detected on the Property by Tetra Tech or County staff, concrete rubble and some other debris was observed thereon. Staff from the Public Works Materials Testing Lab reviewed the Phase I ESA and conducted a site visit. It is the opinion of said County staff that the risks associated with accepting and owning the Property with some rubble and other debris on it are negligible. Furthermore, the Grant Deed

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Executive Summary and Discussion (Cont.):

contains language indemnifying the District and holding the current Property owners liable for any existing contamination.

Funds supplied by the Southern California Wetlands Recovery Project were used to pay for the Site Assessment and for County staff time expended in the review and acceptance of the Property. The Borgaros have agreed to transfer the Property to the District without charge. The Grant Deed will allow the District to continue its flood control and maintenance operations on the Property.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

There are no Fiscal or Facilities impacts.

Special Instructions: After Board action, distribute as follows:

- | | |
|---------------------------------------|--|
| 1. Original Certificate of Acceptance | Facilities Services, Attn: Jeff Havlik |
| 2. Copy of Certificate of Acceptance | Clerk of the Board Files |
| 3. Minute Order | Facilities Services, Attn: Jeff Havlik |

NOTE: Real Property will deliver the original Grant Deed and Certificate of Acceptance for recordation. A certified copy of the recorded Grant Deed and Certificate of Acceptance will be delivered to the Clerk and to the District for their files. The original will be archived by Real Property.

Concurrence:

County Counsel
Risk Manager
Auditor Controller