

Mission Canyon Trailhead Improvements FUNDING AGREEMENT

This Mission Canyon Trailhead Improvements Funding Agreement (“Agreement”) is made by and between Santa Barbara County (“County”) and the Southern California Edison Company (“SCE”). The County and SCE are each a “Party” and, collectively, the “Parties” to this Agreement. The Effective Date of this Agreement is the date on which the Agreement has been fully executed by the Parties.

RECITALS

A. WHEREAS SCE holds real property rights to construct, utilize and maintain access roads over certain real property located in the Mission Canyon area of Santa Barbara County identified as Assessor’s Parcel Numbers 153-270-009, 153-270-013, 153-270-015, 153-270-016, and 153-270-028, which are graphically depicted on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”); and

B. WHEREAS the existing access road on the Property known as Tunnel Trail (the “Access Road”) is shared and utilized by SCE and multiple government entities for access with vehicles and equipment to infrastructure and for other purposes, and by the public for recreational purposes; and

C. WHEREAS on January 16, 2020, the County issued Notice of Violation #7019-1 120-0001-0376-7722 to SCE pertaining to unauthorized grading SCE performed on the Access Road in December 2019 (“County NOV”); and

D. WHEREAS in response to the activities subject to the County NOV, SCE performed repairs and cleanup on and around the Access Road (Road Repair Project, Grading Permit #20GRD-00034/Land Use Permit (LUP) #20LUP-00000-00132) and will perform its proposed Mission Canyon Stream Habitat Restoration Project in accordance with pending County approvals (LUP Application #21LUP-00000-00276) (together, the “NOV Responsive Projects”); and

E. WHEREAS in addition to the NOV Responsive Projects, SCE voluntarily completed or funded, or is committed to fund, multiple projects requested by the community to improve access to and recreational experiences on the Tunnel Trail, and the County and SCE desire to clearly establish expectations concerning the use of funds described herein; and

F. WHEREAS SCE’s payment of the funds described herein is a voluntary measure intended to provide final compensation to the County and community for disruptions to recreational use of the Tunnel Trail that resulted from SCE’s past activities on the Property, inclusive of and deriving from actions subject to the County NOV, up to the Effective Date;

AGREEMENT

NOW THEREFORE, the Parties hereby agree as follows:

1. The Recitals above are true and correct.
2. Nothing set forth herein shall constitute a waiver or amendment to, or alteration of or to, SCE’s real property rights to construct, utilize and maintain access roads over the Property, or the County’s discretion in reviewing any permit application submitted by SCE in response to the County NOV.

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Santa Barbara County-SCE*

3. Nothing set forth herein shall constitute a waiver or alteration of SCE's obligation to perform its proposed Mission Canyon Stream Habitat Restoration Project in accordance with pending County approvals, including all required mitigation measures adopted through the environmental review process.

Trailhead Improvements

4. SCE shall pay \$214,200.00 to the County within 45 days of the Effective Date. The County agrees to use or direct these funds to be used in furtherance of the improvements at and around the Tunnel Trail trailhead described in Exhibit "B" attached hereto ("Trailhead Improvements") as County Projects #1-4.

5. Any of the \$214,200.00 provided to the County by SCE that is unspent following construction of the Trailhead Improvements specified in paragraph 4 shall be used or directed by the County for ongoing maintenance and repair of such Trailhead Improvements. SCE shall bear no responsibility to construct or maintain the Trailhead Improvements or to provide additional funding if the cost to construct the Trailhead Improvements is greater than the \$214,200.00 provided by SCE.

6. SCE's payment of \$214,200.00 to the County under this Agreement, and the payment of \$85,800.00 to the City of Santa Barbara under separate agreement (\$300,000.00 total to be used in furtherance of the Trailhead Improvements), shall constitute final compensation for past disruptions to recreational use of the Tunnel Trail due to SCE's past activities on the Property, inclusive of and deriving from actions subject to the County NOV, up to the Effective Date. This Agreement is in all ways independent of the County's permitting processes and requirements for SCE's NOV Responsive Projects.

Additional Conditions

7. The Parties acknowledge and agree that nothing in this Agreement creates any employment or principle-agent relationship of any kind between the Parties.

8. This Agreement may be amended or modified only by an instrument in writing signed by the Parties.

9. This Agreement shall be governed by and interpreted under the laws of the State of California.

10. This Agreement binds and inures to the benefit of the Parties and each Party's successors in interest.

11. Each signatory to this Agreement certifies that he or she is authorized to execute this Agreement and to legally bind the Party he or she represents.

12. This Agreement may be executed in counterparts, and each executed counterpart shall have the same force and effect as an original instrument as if each Party had signed the same instrument.

IN WITNESS WHEREOF, the Parties hereto have each executed this Agreement as of the dates indicated below.

[SIGNATURES ON FOLLOWING PAGE]

COUNTY SIGNATURE PAGE


IN WITNESS WHEREOF, County has executed this *Mission Canyon Trailhead Improvements Funding Agreement Santa Barbara County-SCE*

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board

By: 
Deputy Clerk

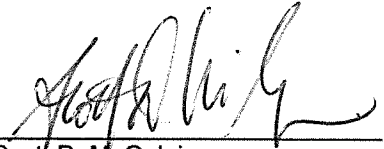
COUNTY OF SANTA BARBARA:

By: 
Das Williams, Chair
Board of Supervisors

Date: 12-12-23

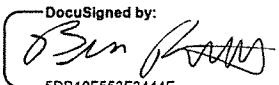
RECOMMENDED FOR APPROVAL:

Public Works

By: 
Scott D. McGolpin
Director of Public Works

APPROVED AS TO FORM:

Rachel Van Mullem
County Counsel

By: 
5DB10F553F3444F...
Deputy County Counsel

Mission Canyon Trailhead Improvements Funding Agreement
Santa Barbara County-SCE

SIGNATURES OF PARTIES:

SANTA BARBARA COUNTY

By: _____

_____, Its _____

Date: _____

Approved as to Content:

By: _____

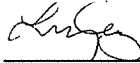
_____, Its _____

Approved as to Form:

By: _____

_____, Its _____

SOUTHERN CALIFORNIA EDISON COMPANY

By:  _____

Larry Chung, Its V.P. Local Public Affairs

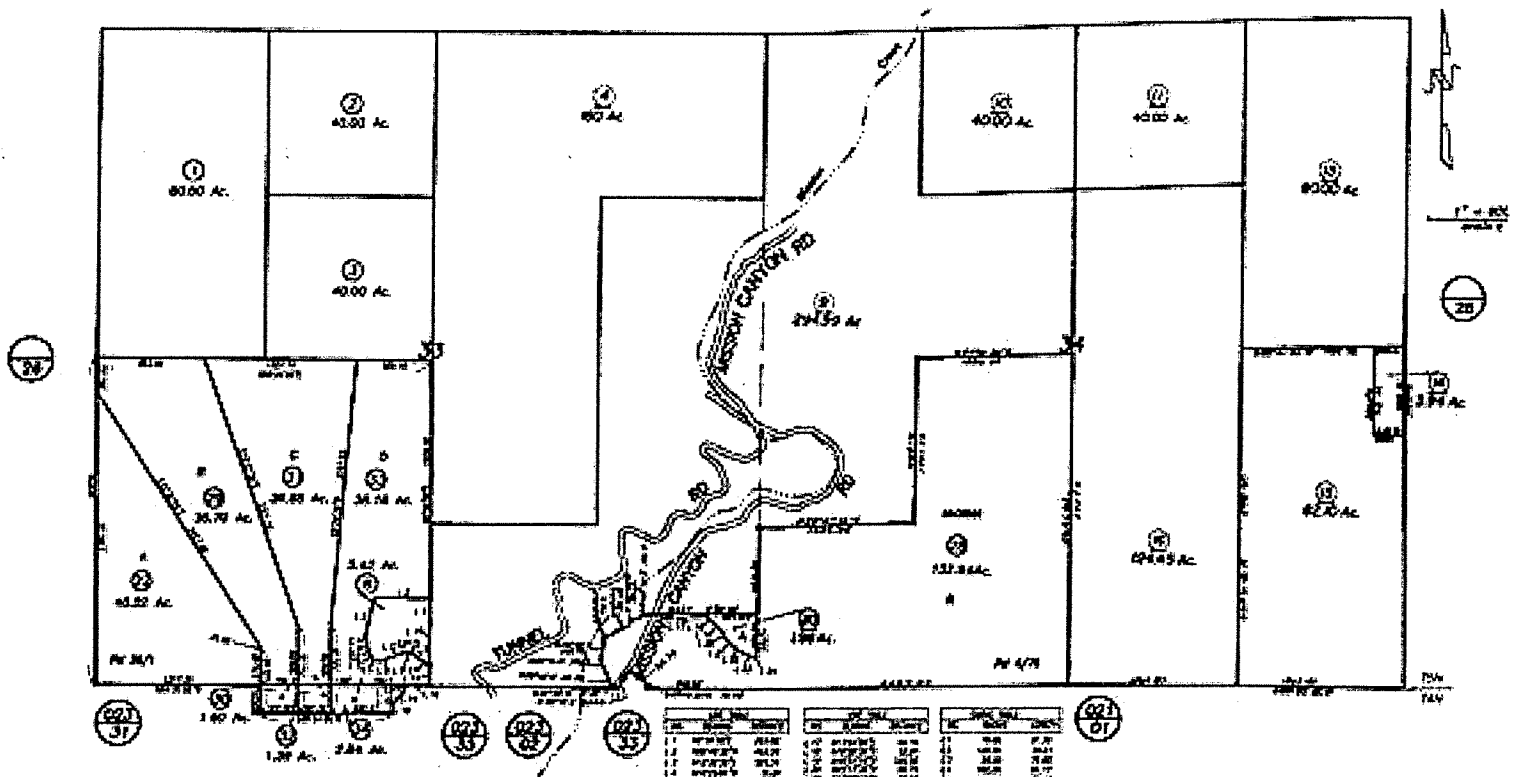
Date: Nov 9, 2023

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 Santa Barbara County-SCE

EXHIBIT A
 Assessor's Parcel Map Depicting the Property

SEC 34 & POR. 33 T5N R27W SBB&M
 POR. SEC 4 T4N R27W SBB&M

153-27



NOTICE
 Assessor's Parcels are for the assessment purposes only and do not indicate other parcel legality or a valid building site.

Parcel No.	Area (Ac.)	Area (Ac.)	Area (Ac.)	Area (Ac.)
1	83.00			
2	43.91			
3	40.00			
4	60.00			
5	40.00			
6	40.00			
7	36.79			
8	36.88			
9	36.18			
10	5.65			
11	83.32			
12	1.80			
13	1.36			
14	2.88			
15	29.59			
16	152.84			
17	82.40			
18	40.00			
19	40.00			
20	80.00			
21	3.84			

Assessor's Map Bk. 153-Pg. 27
 County of Santa Barbara, Calif.

10/18 A. Current acreage
 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23

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**EXHIBIT B
Trailhead Improvements**

Project #	Description
County Project #1	Improve parking area above 1404 Tunnel Rd. Paving, striping and limited retaining or curb structure on canyon side of the parking spaces. Possible addition of one or two parking spaces.
County Project #2	Pedestrian safety. On East side of road, prune and maintain brush back to fence line. Starting above the gabion wall located about 75 feet below driveway to 1440 Tunnel, where slope allows, move fence out to create pedestrian path. From driveway at 1440, continuing up to Orange Grove Ave, regrade, move rocks and adapt drainage to create a pathway. Possible alternate in this area is use of timber walkway.
County Project #3	Eliminate Parking above 1340 Tunnel Rd. Eliminate 1 or 2 parking spaces to include retention structures to improve marginal spaces into full parking, as well as improve/add one or two spaces on opposite side of the street.
County Project #4	Create parking where possible. Paving, diagonal striping, possibly curb at the parking area about 200 feet past the hairpin turn at 1297 Tunnel Rd. Possible addition of two parking spaces.
City Project #5	Improvements at Trailhead.

Note: County will contribute matching funds to complete project scopes for County Projects #1 through #4.


FINAL 11.09.23 County Funding Agreement - Mission Canyon Trailhead Improvements


Final Audit Report


2023-11-09


Created:	2023-11-09
By:	SHANNON OLDENBURG (SHANNON.OLDENBURG@SCE.COM)
Status:	Signed
Transaction ID:	CBJCHBCAABAA6yc5c8R048IQKUmG5ZpL9_FRe_EICVDJ


"FINAL 11.09.23 County Funding Agreement - Mission Canyon Trailhead Improvements" History


 Document created by SHANNON OLDENBURG (SHANNON.OLDENBURG@SCE.COM)
2023-11-09 - 6:00:01 PM GMT- IP address: 163.116.140.57

 Document emailed to larry.chung@sce.com for signature
2023-11-09 - 6:01:08 PM GMT

 Email viewed by larry.chung@sce.com
2023-11-09 - 11:30:06 PM GMT- IP address: 163.116.248.73

 Signer larry.chung@sce.com entered name at signing as Larry Chung
2023-11-09 - 11:31:23 PM GMT- IP address: 163.116.248.73

 Document e-signed by Larry Chung (larry.chung@sce.com)
Signature Date: 2023-11-09 - 11:31:25 PM GMT - Time Source: server- IP address: 163.116.248.73

 Agreement completed.
2023-11-09 - 11:31:25 PM GMT