



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: September 18, 2012  
Placement: Administrative  
Estimated Time:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

---

**TO:** Board of Supervisors  
**FROM:** Department Directors Scott D. McGolpin, Director Public Works, 568-3010  
Contact Info: Chris Sneddon, Deputy Director, Transportation, 568-3064  
**SUBJECT: Proposed Vacation of a Portion of Park Lane Right-of-Way; APN 007-020-022  
First Supervisorial District**

---

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- A. Approve and authorize the Chair to execute the Resolution; Summary Order to Vacate with Reservations pursuant to Street and Highway Code, Sections 892, 8334, and 8334.5 Et. Seq. regarding the vacation of a portion of the Park Lane right-of-way, located on APN 007-020-022 in the unincorporated area of Santa Barbara County known as Montecito; and
- B. Find that the proposed action is for the operation and maintenance of an existing public facility involving negligible or no expansion of use beyond that which presently exists, that the proposed action is therefore exempt from CEQA pursuant to 14 CCR 15301(c), and approve the filing of a Notice of Exemption on that basis. Direct staff to file the Notice of Exemption with the Clerk of the Board.

**Summary Text:**

The area proposed for vacation is a portion of the Park Lane right-of-way ("ROW") located on Santa Barbara County Assessor Parcel number 007-020-022, commonly referred to as 932 Park Lane and is described and shown on the exhibits attached to the Order to Vacate (the "Portion"). The Portion is considerably wider than the surrounding right of way, is outside the traveled roadway and has never been paved or traveled by the public. If consummated the vacation will standardize the right of way width near the subject property. The County has not maintained the Portion and does not plan to expand the paved right-of-way in the vicinity of the Portion. The Public Works Department does not object to the vacation of the Portion. If consummated, the Summary Order to Vacate with Reservations will terminate the right of the public to use the Portion. The County's right to access the drainpipe for

inspection and maintenance will be reserved from the vacation. Said access will be via an open access cleanout junction, which is described below. In exchange for the vacation of the Portion, the owners of the property burdened thereby have agreed to improve drainage and help protect the paved section of Park Lane above the Portion by paying for the design and installation of an extension of the existing drainage pipe, which pipe currently terminates in the Portion. In addition, the owners have agreed to pay for the design and installation of an “open access inspection and cleanout junction” which will allow County personnel to access the underground drainage pipe for inspection and maintenance. The owner has also signed and delivered a Restrictive Covenant detailing those agreements, which Covenant shall be recorded concurrently with the Resolution of Vacation with Reservations, making the Covenant binding on the current and future owners of the Portion.

**Background:**

Per Chicago Title Insurance Company title report No 1251333-KJ the subject right-of-way was granted to the County of Santa Barbara in easement via the Right-of-Way Grant recorded October 9, 1958 as Instrument No. 24740 in Book 1561, Page 137 of Official Records. There is currently no public use of the Portion, the County has no plans to expand its infrastructure in the vicinity of the Portion, and no parcels will be “landlocked” if the vacation is consummated. County Fire, Parks and Public Works representatives were notified of the proposed vacation; none objected to the vacation. On May 23, 2012, the Montecito Planning Commission determined that the proposed vacation of the Portion is in conformity with the County's adopted General Plan. If executed and recorded, the proposed vacation will extinguish the County's right-of-way easement ownership of the Portion. However, The County's right to access the drainpipe for inspection and maintenance will be reserved from the vacation. The proposed right-of-way vacation is in conformity with applicable CEQA guidelines.

A notice of intent was published in the local paper to inform the public of the date of this proposed Board action.

**Special Instructions:** Clerk of the Board, please distribute as follows:

- |    |                             |                                 |
|----|-----------------------------|---------------------------------|
| 1. | Original Order to Vacate    | Public Works, Attn: Jeff Havlik |
| 2. | Copy of the Order to Vacate | Clerk of the Board              |
| 3. | Copy of the stamped CEQA    | Public Works, Attn: Jeff Havlik |
| 4. | Minute Order                | Public Works, Attn: Jeff Havlik |

**NOTE:** After execution by the Board, Real Property will deliver the original, executed Resolution: Order to Vacate with Reservations and the Restrictive Covenant for recordation. After recordation the original Resolution and Covenant will be delivered to the Clerk of the Board for its files, Public Works will deliver scan copies to all interested parties, and retain hard copies for its files.

**Attachments:**

Resolution- Summary Order to Vacate  
CEQA: Notice of Exemption

**Authored by:** Jeff Havlik, Real Property Agent, Public Works - Surveyors Division, 568-3073

Cc: John McGray, Road Maintenance Manager, Public Works, 568-3336  
Bret Stewart, Senior Development Engineering Manager, Public Works - Surveyors, 568-3041