



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

A-12

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: 10/14/2008
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

104-07 08-00924

OCT 14 2008

TO: Board of Directors, Laguna County Sanitation District

FROM: Department Scott D. McGolpin, Director, Public Works Department, x3010
Director(s)
Contact Info: Mark A. Schleich, Deputy Director, x3600

SUBJECT: Deed Acceptance for Sewer Main from John J. Will Family, LP - Fourth Supervisorial District

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

Authorize the Chair of the Board to accept a permanent Easement Deed from John J, Will Family Trust, LP (Orcutt Union Plaza), by authorizing the Clerk of the Board to sign the Certificate of Acceptance attached to the Permanent Easement deed regarding the above referenced sewer main.

Summary Text:

Acceptance of this easement deed will provide for the recordation of the deed and transfer control and possession of the proposed sewer main to the Laguna County Sanitation District. The easement and improvements were conditions of development and will be constructed at no cost to the district.

Background:

The Orcutt Union Plaza project is located on assessors parcel numbers 105-091-006 and 105-121-001 two legal parcels will be consolidated by voluntary merger through a separate process. The project approved by the planning commission on November 14, 2007 consisted of a mixed-use development with four new buildings (66,831 SF). One of five existing buildings will be removed. Uses of the property will expand to include retail, office, restaurant, and residential uses.

The sewer system in Old Town Orcutt was operated by the Orcutt Sanitary District and is shown in plans dated 1908 and 1925. The Orcutt Sanitary District annexed to the Laguna County Sanitation District per Resolution 21824 on December 18, 1961. In the vicinity of the project, portions of the original sewer system are private resulting from the abandonment of Union Avenue west of Broadway in 1942. Neighboring parcels also have private sewer systems prohibiting new connections. In order to convey wastewater to the existing public sewer system in Clark Avenue and to correct flow patterns, the project proposes onsite sewer improvements to be dedicated to the Laguna County Sanitation District.

Performance Measure:

This action provides for the efficient construction of public sewer infrastructure.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative: There are no fiscal impacts with this action.

Staffing Impacts:

Legal Positions:

FTEs:

There are no staffing impacts with this action.

Special Instructions:

Upon Board action, please distribute as follows:

1. Original deeds: Public Works Department, Santa Maria; Attn: Martin Wilder
2. Minute Order: Public Works Department, Santa Maria; Attn: Martin Wilder

Attachments:

- (a) Easement Deed

Authored by:

Martin Wilder, Laguna County Sanitation District, phone 739-8755

cc:

Recording requested by
And to be returned to:
County of Santa Barbara
Public Works Department
620 West Foster Road
Santa Maria, CA 93455
Attn: Martin Wilder

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

SPACE ABOVE THIS LINE FOR RECORDER'S USE
APN: 105-091-006 & 105-121-001

No fee pursuant to
Government Code § 6103

EASEMENT DEED
(Permanent Easement)

The JOHN J. WILL FAMILY, LP, owner of a portion of all that real property in the unincorporated area of the County of Santa Barbara, State of California, commonly referred to as Assessor's Parcel No's 105-091-006 & 105-121-001, referred to as GRANTOR herein,

FOR A VALUABLE CONSIDERATION, DOES HEREBY GRANT TO

LAGUNA COUNTY SANITATION DISTRICT, a special district, its successors and assigns, as GRANTEE herein, a permanent easement and right of way for the present and future construction, reconstruction, operation, repair and maintenance of improvements required by GRANTEE for GRANTEE'S operations including, but not limited to, sewer line improvements, in such a number and size, and with such accessory parts and structures, and with all surface and subsurface appurtenances incidental thereto, as the GRANTEE, or its successors in interest, may from time to time deem necessary to install within the easement, together with the necessary rights of ingress and egress to the easement for the above-referenced purposes, in, on, over, along under and through that certain land situated in the County of Santa Barbara, State of California, more particularly described on Attachment A attached hereto and incorporated herein by this reference.

GRANTOR shall defend, indemnify, save and hold harmless GRANTEE, its agents, employees, officers, successors and assigns from any and all claims, liabilities, demands, costs (including reasonable attorney fees) and causes of action of all kinds with regard to the condition of the easement property which is the subject of this deed, especially contamination by harmful, hazardous and/or toxic materials, if any.

In the event the indemnity hereunder exceeds that permitted by applicable law, such indemnity shall be construed as the maximum permitted by law. This indemnity shall not apply to contamination which may occur on the easement property as a result of the operations of the GRANTEE subsequent to the effective date of this easement.

Date: _____

"GRANTOR"

"THE JOHN J. WILL FAMILY, LP"

BY: Chen Wang

State of California

County of Santa Barbara

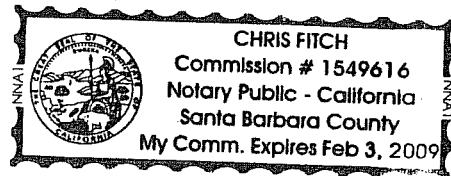
On 9/05/08 before me Chris Fitch, a Notary Public, personally appeared Chris Will, who proved to me on the basis of satisfactory evidence

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.

I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct.

WITNESS my hand and seal.

Chris Fitch
Signature



(Seal)

CERTIFICATE OF ACCEPTANCE

COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA: SS.

THIS IS TO CERTIFY that the interest in the real property conveyed by the Easement Deed (Permanent Easement) dated _____, from THE JOHN J. WILL, LP, as accepted by Order of the Board of Directors of the Laguna County Sanitation District on _____, And the Laguna County Sanitation District as GRANTEE consents to the recordation thereof by its duly authorized officer.

WITNESS my hand and official seal

This ____ day of _____, 200_.

MICHAEL F. BROWN
CLERK OF THE BOARD and
Ex Officio Clerk of the Board of
Directors of the Laguna
County Sanitation District

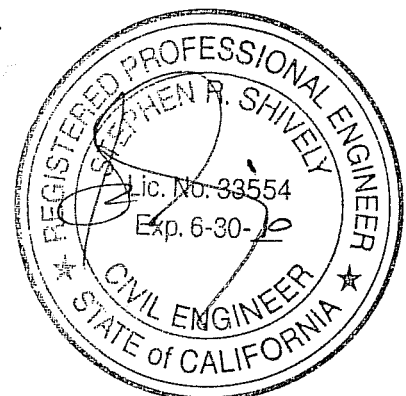
By: _____
Deputy

15 FOOT WIDE SEWERLINE EASEMENT

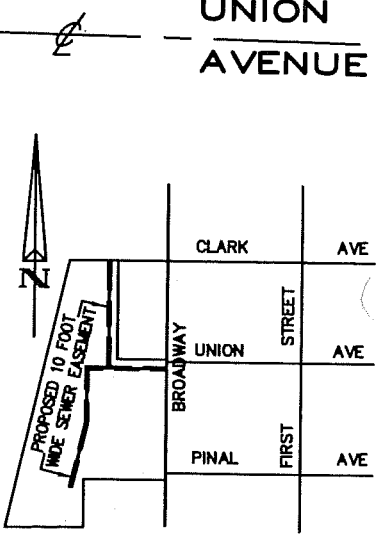
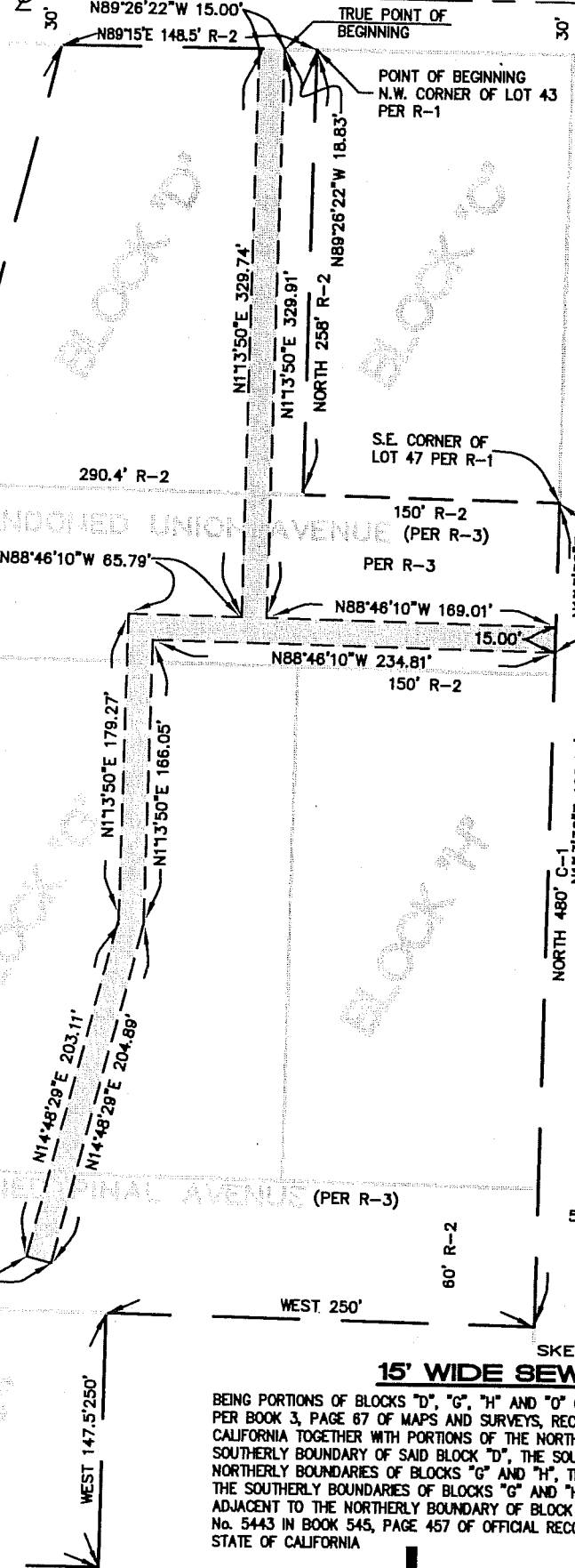
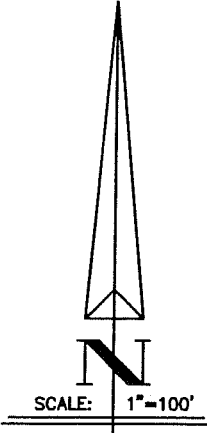
BEING PORTIONS OF BLOCKS "D", "G", "H" AND "O" OF THE TORRANCE SUBDIVISION OF THE TOWN OF ORCUTT PER BOOK 3, PAGE 67 OF MAPS AND SURVEYS, RECORDS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA TOGETHER WITH PORTIONS OF THE NORTHERLY HALF OF UNION AVENUE LYING ADJACENT TO THE SOUTHERLY BOUNDARY OF SAID BLOCK "D", THE SOUTHERLY HALF OF UNION AVENUE LYING ADJACENT TO THE NORTHERLY BOUNDARIES OF SAID BLOCKS "G" AND "H", THE NORTHERLY HALF OF PINAL AVENUE LYING SOUTH OF THE SOUTHERLY BOUNDARIES OF BLOCKS "G" AND "H", THE SOUTHERLY HALF OF PINAL AVENUE LYING ADJACENT TO THE NORTHERLY BOUNDARY OF SAID BLOCK "O", ALL AS VACATED BY AN ORDER OF THE BOARD OF SUPERVISORS OF SAID COUNTY AND RECORDED JULY 17, 1942 AS INSTRUMENT No. 5443 IN BOOK 545, PAGE 457 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY BOUNDARY OF CLARK AVENUE AT THE NORTHWEST CORNER OF LOT 43 OF THE TORRANCE SUBDIVISION OF THE TOWN OF ORCUTT AS SHOWN ON RECORD OF SURVEY MAP BOOK 49 AT PAGE 88, RECORDS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA; THENCE NORTH 89° 26' 22" WEST 18.83 FEET ALONG SAID SOUTHERLY BOUNDARY OF CLARK AVENUE TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 89° 26' 22" WEST 15.00 FEET CONTINUING ALONG SAID SOUTHERLY BOUNDARY OF CLARK AVENUE; THENCE SOUTH 1° 13' 50" WEST 329.74 FEET; THENCE NORTH 88° 46' 10" WEST 65.79 FEET; THENCE SOUTH 1° 13' 50" WEST 179.27 FEET; THENCE SOUTH 14° 48' 29" WEST 203.11 FEET ; THENCE SOUTH 75° 11' 31" EAST 15.00 FEET: THENCE NORTH 14° 48' 29" EAST 204.89 FEET; THENCE NORTH 1° 13' 50" EAST 166.05 FEET; THENCE SOUTH 88° 46' 10" EAST 234.81 FEET TO A POINT ON THE WESTERLY BOUNDARY OF BROADWAY AS SHOWN ON SAID RECORD OF SURVEY MAP BOOK 49 PAGE 88 THAT BEARS SOUTH 1° 13' 30" WEST 87.09 FEET ALONG SAID WESTERLY BOUNDARY FROM THE SOUTHEAST CORNER OF LOT 47 - BLOCK "C" OF SAID TORRANCE SUBDIVISION OF THE TOWN OF ORCUTT AS SHOWN ON SAID RECORD OF SURVEY; THENCE NORTH 1° 13' 30" EAST 15.00 FEET ALONG SAID WESTERLY BOUNDARY; THENCE NORTH 88° 46' 10" WEST 169.01 FEET; THENCE NORTH 1° 13' 50" EAST 329.91 FEET TO THE **TRUE POINT OF BEGINNING**.
CONTAINING - 14,231.878 SQUARE FEET (0.326 ACRES).

0653 - 8/26/2008 3:54 PM



CLARK AVENUE



VICINITY MAP
NO SCALE

15' WIDE SEWER EASEMENT

BEING PORTIONS OF BLOCKS "D", "G", "H" AND "O" OF THE TORRANCE SUBDIVISION OF THE TOWN OF ORCUTT PER BOOK 3, PAGE 67 OF MAPS AND SURVEYS, RECORDS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA TOGETHER WITH PORTIONS OF THE NORTHERLY HALF OF UNION AVENUE LYING ADJACENT TO THE SOUTHERLY BOUNDARY OF SAID BLOCK "D", THE SOUTHERLY HALF OF UNION AVENUE LYING ADJACENT TO THE NORTHERLY BOUNDARIES OF BLOCKS "G" AND "H", THE NORTHERLY HALF OF PINAL AVENUE LYING SOUTH OF THE SOUTHERLY BOUNDARIES OF BLOCKS "G" AND "H" AND THE SOUTHERLY HALF OF PINAL AVENUE LYING ADJACENT TO THE NORTHERLY BOUNDARY OF BLOCK "O", ALL AS VACATED BY JULY 17, 1942 AS INSTRUMENT No. 5443 IN BOOK 545, PAGE 457 OF OFFICIAL RECORDS, RECORDS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

LEGEND:

- R-1 DENOTES RECORD PER R/S BK. 49 PG. 88.
- R-2 DENOTES RECORD PER M/S BK. 3 PG. 67.
- R-3 DENOTES RECORD PER BK. 545 PG. 457 O.R.
- DENOTES PROPOSED 10 FOOT WIDE SEWER EASEMENT



2824 Airport Dr.
Santa Maria, California 93455
(805) 934-5767