



**BOARD OF SUPERVISORS
AGENDA LETTER**

**Clerk of the Board of
Supervisors**
105 E. Anapamu Street, Suite
407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Department Name: General Services/
Public Works
Department No.: 063/054
For Agenda Of: October 18, 2022
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: 3/5

TO: Board of Directors, Flood Control and Water Conservation District
FROM: General Services Janette D. Pell, Director of General Services, (805) 560-1011
Public Works Scott D. McGolpin, Director of Public Works, (805) 568-3010

Contact Info: Skip Grey, Assistant Director, General Services
(805) 568-3083
Walter Rubalcava, Deputy Director – Water Resources
(805) 568-3436

**SUBJECT: Grant of Easements from The Salvation Army for Lower Mission Creek
Improvement and Restoration Project, Reach 4 Acquisition (Assessor Parcel
No. 037-203-025); First Supervisorial District (RP File #003988)**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Manager

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute an original Real Property Purchase Agreement (Attachment A), between the Santa Barbara County Flood Control and Water Conservation District (District), and The Salvation Army, a California Corporation (Owners), for the purchase of a permanent easement and associated temporary easements, on a portion of real property located at 425 Chapala Street (County Assessor Parcel Number: 037-203-025), for a total cost not to exceed \$83,000.00, in connection with the Lower Mission Creek Improvement and Restoration Project, Reach 4 District Project No. SC8042 (First District); and

- b) Authorize the Chair to accept the attached permanent and temporary easements and Certificate of Acceptance for a Permanent Easement (Attachment B), conveying easement interests in the real property located at 425 Chapala Street, to the District and authorize the Clerk of the Board to sign and acknowledge the Certificate of Acceptance contained within Attachment B, attached thereto; and
- c) Authorize the Director of Public Works, or his designee, to execute any other supporting documents to complete this transaction; and
- d) After considering the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Lower Mission Creek Flood Control Project, the Findings and Statement of Overriding Considerations accepted by the Board of Directors as a Responsible Agency on May 10, 2011, and the discussion included herein, find that pursuant to California Environmental Quality Act (CEQA) Section 15162, no substantial changes are proposed, and there are no substantial changes in circumstances or new information of substantial importance regarding significant impacts or feasibility of mitigation measures and alternatives, and therefore the recommended actions are within the scope of the project covered by the aforementioned environmental documents and no new environmental document is required; and approve and direct staff to file the Notice of Exemption (Attachment C) on these bases. The findings, statement of overriding consideration, EIS/EIR and associated information can be found at:

<http://santabarbara.legistar.com/LegislationDetail.aspx?ID=874496&GUID=D14C4C9B-DEDF-48CB-AB30-D52A228FB5A2>

Summary Text:

Acquisition from The Salvation Army, a California Corporation (Owners), for the purchase of a permanent easement and temporary easements (Easements) on a portion of real property located at 425 Chapala Street (County Assessor Parcel Number: 037-203-025), for a total cost not to exceed \$83,000.00, in connection with the Lower Mission Creek Improvement and Restoration Project.

The recommended actions include approval and authority to execute an original Real Property Purchase Agreement and Certificate of Acceptance.

Background:

Over the past several years, the Flood Control and Water Conservation District Board of Directors has heard and approved a number of items relating to the Lower Mission Creek Flood Control Project (“Project”). The acquisition of real property and interests therein has been required prior to commencing construction of Project-related flood control improvements. The Project is a federal U.S. Army Corps of Engineers (“Corps”) project that has been under study and development since the 1960’s. The City of Santa Barbara and the District worked with a community consensus group in the 1990’s to develop the current project which focuses on both flood control and environmental issues.

The Corps completed the Feasibility Study over 20 years ago, but has been slow to get adequate funding for design and construction. Since that time, the City and District have been working on finding opportunities to construct elements of the Project as funding options arise.

On March 2, 2010, the Board of Directors authorized negotiations for the purchase of fee simple interests in several private parcels and the acquisition of both permanent and temporary construction easements for all Reaches and phases of the Project. County and District staff have been working with the City and private owners to prepare Reaches for construction.

Pursuant to Government Code Section 65402, the Project was determined to be in conformity with Santa Barbara City’s adopted General Plan in 2007, and with its revised General Plan in 2012. The Environmental Initial Study/Environmental Impact Report for the Project was certified by the City of Santa Barbara Planning Commission on June 28, 2001.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
South Coast FZ			\$ 83,000.00
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ 83,000.00

Narrative:

Costs associated with acquisition of the Easements were included in the FY 2022-23 adopted budget under the Water Resources Division of the Public Works Department, as shown on page D-424 in the budget book. No General Fund monies were utilized for this project

Staffing Impacts:

None

Special Instructions:

After Board action, Chair will execute and Clerk will sign the Real Property Purchase Agreement.

Before a notary public, Clerk will also sign the attached Certificate of Acceptance, for the Grant of Easement (Deed) being granted by The Salvation Army, a California Corporation, to the District.

Clerk of the Board to sign and acknowledge the Certificate of Acceptance attached to the Easement Deed and distribute as follows:

1. Original Real Property Purchase Agreement, Grant of Easement Deed, Original Certificate of Acceptance and Minute Order

General Services
Real Estate Services Division
Attn: Carlo Achdjian

2. Copies of documents and Minute Order

Public Works,
Flood Control District Office
Attn: Christina Lopez

Note: Upon full execution of the Grant of Easement (Attachment A), one original will be presented to the Clerk of the Board for County's retention in the record.

Attachments:

1. Attachment A-Real Property Purchase Agreement
2. Attachment B-Easement Deed
3. Attachment C-Notice of CEQA Exemption

Authored by:

Carlo Achdjian, Real Estate Services Division of General Services