



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 Flood Control
Department No.: 054
For Agenda Of: October 1, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors and Board of Directors, Flood Control and Water Conservation District

FROM: Department Directors Scott D. McGolpin, Director of Public Works, 568-3010
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: 4677 and 4683 Via Roblada Flood Control Easement Vacate and Quitclaim, Second Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: No

Other Concurrence:

Recommended Actions:

That the Board of Supervisors:

- a) Approve and adopt the Summary Order to Vacate A Flood Control Easement (Attachment 1) vacating the County's interest in the Flood Control Easement in accordance with California Streets and Highways Code Section 8333(c); and

That the Board of Directors of the Flood Control and Water Conservation District:

- b) Find that, pursuant to Section 74-32 of the California Water Code Appendix, the flood control easement located at 4677 & 4683 Via Roblada in the unincorporated area of the County of Santa Barbara (Assessor Parcels Numbers 063-150-014 and -013) created by the Easement Deed recorded on June 26, 1964, as Instrument Number 27216, in Book 2057, Pages 48 through 51 of official records in the Office of the County Recorder of Santa Barbara County (the "Flood Control Easement") is no longer necessary to be retained for flood control purposes; and
- c) Approve and adopt the Resolution of Findings and Summary Order to Vacate A Flood Control Easement (Attachment 2) vacating the District's interest in the Flood Control Easement in accordance with Section 74-32 of the California Water Code Appendix and California Streets and Highways Code Section 8333(c); and

That the Board of Supervisors and Board of Directors:

- d) Approve and authorize the Chair of the Board of Supervisors and Chair of the Board of Directors to execute the attached Quitclaim Deed (Attachment 3) releasing the County's and the District's interest in the Flood Control Easement; and
- e) Find that the above actions are exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15061(b)(3), finding that the vacation/termination action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and approve and direct staff to file and post the attached Notice of Exemption (Attachment 4) on that basis.

Summary Text:

This item is on the agenda requiring the Board of Supervisors' and the Board of Directors' approval and execution in order to vacate and quitclaim a Flood Control Easement that the County and the District have no records of maintaining or using the Easement nor is the Easement needed by the District. If executed and recorded the Resolution and the Quitclaim will release the County and the District interest in the Easement in portions of Assessor Parcels Numbers 063-150-014 and -013, located at 4677 & 4683 Via Roblada, within an unincorporated area of the County of Santa Barbara.

Background:

Hope Ranch Realty Investment Company intended to develop single-family homes after they secured approval of a proposed subdivision (Tentative Tract Map #10,291) from the County in 1963. Following the approval of the tentative tract map, Hope Ranch Realty Investment Company granted an Easement Deed, that was recorded on June 26, 1964, as Instrument Number 27216, in Book 2057, Pages 48 through 51 of official records in the Office of the County Recorder of Santa Barbara County, to the County of Santa Barbara (County) and the Santa Barbara County Flood Control and Water Conservation District (District) for flood control purposes in portions of the Properties (the "Easement Area"). Pursuant to the map, development did not take place and the land was sold. In 1972, residential development was completed on Assessor Parcel Number 063-150-014, (4677 Via Roblada) and similarly on Assessor Parcel Number 063-150-013, (4683 Via Roblada), in 1979, with the above mentioned Easement Area encumbering the Properties.

Development Description of Parcel 063-150-014 and -013:

The current owner of the underlying property, H.R. Property Holding Trust, has submitted a new development application to the County of Santa Barbara. The proposed plans are to demolish existing buildings currently encroaching into the existing Easement Area and construct a new residential unit, other structures and auxiliary facilities, including hardscape and landscaping improvements, in the Easement Area. Therefore, quitclaiming of the 1964 Easement would allow the property owners to proceed with their proposed improvements. Because the County and the District have no records of maintaining the Easement Area, and a condition of the proposed development is that prior to building permit issuance all new construction that will be built within the existing Easement Area will not be permitted until recordation of Quitclaim Deed with the County Clerk's Office.

California Government Code Section 65402 requires a determination as to the conformity of any property disposition with the applicable General Plan. In accordance with Government Code Section 65402(a), the request was sent to the County of Santa Barbara for the determination that the proposed disposal of the easement is consistent with the County of Santa Barbara's General Plan. On July 31, 2019, Planning and Development confirmed quitclaiming the above-mentioned Easement Area conforms to the County's General Plan.

Fiscal and Facilities Impacts:

There will be no fiscal or facilities impacts.

Staffing Impacts: N/A

Special Instructions:

After Board and District action, please distribute as follows:

1. Return the original Resolutions and Summary Orders to Vacate to General Services, Attn: J. Cleary, for recordation
2. Return the original Quitclaim Deed to General Services, Attn: J. Cleary, for recordation.
3. Forward a copy of the Minute Order to the Flood Control District office: Attn: Christina Lopez and to General Services/Real Property Division, Attn: J. Cleary

Note: Upon recordation, Real Property will return copies of the recorded Quitclaim Deed to the Clerk for file and reference.

Attachments:

1. Summary Order to Vacate
2. Resolution and Summary Order to Vacate
3. Quitclaim Deed
4. CEQA Notice of Exemption