

Attachment 2

ATTACHMENT 2

Notice of Intention

Assessor Parcel Number 007-120-101



Santa Barbara County Flood Control & Water Conservation District and Water Agency

NOTICE OF INTENTION AND HEARING TO ADOPT RESOLUTION OF NECESSITY FOR ACQUISITION OF PROPERTY FOR PUBLIC USE

DATE: July 14, 2021

PARCEL NO. 007-120-101

ADDRESS: 630 Randall Road, Santa Barbara, California, 93108

PROJECT TITLE: Randall Road Debris Basin Project

TO: Catherine W. Montgomery, Trustee
Montgomery Living Trust
215 Chrystie Street, #26
New York, NY 10002

Catherine W. Montgomery, Trustee
Montgomery Living Trust
11 E. 44th Street, Room 1800
New York, NY 10017

Todd Amspoker
Price, Postel & Parma LLP
200 East Carrillo Street, Suite 400
Santa Barbara, California 93101
taa@ppplaw.com

NOTICE IS HEREBY GIVEN, that on **Tuesday, August 3, 2021, at 9:00 a.m.** or as soon thereafter as the matter may be heard, pursuant to California Code of Civil Procedure Section 1245.235, the Board of Directors of the Santa Barbara County Flood Control and Water Conservation District intends to adopt a Resolution of Necessity pursuant to Article 2 (commencing with Section 1245.210) of Chapter 4 of Title 7 of Part 3 of the Code of Civil Procedure of the State of California for the acquisition of certain property in connection with the construction of the RANDALL ROAD DEBRIS BASIN PROJECT, herein referred to as the "Project." A description of the property being considered for acquisition is set forth in Exhibit A. The described property is to be acquired for the purpose of constructing and operating the Project.

NOTICE IS FURTHER GIVEN that on **Tuesday, August 3, 2021 at 9:00 a.m.**, or as soon thereafter as the matter can be heard, individuals wishing to provide public comment during the Board meeting can do so via the following methods:

- **Distribution to the Board of Directors** - Submit your comment via email prior to 5:00 PM on the day prior to the Board meeting. Please submit your comment to the Clerk of the Board at: sbcob@countyofsb.org. Your comment will be placed into the record and distributed appropriately.

- **Attend the Meeting by Zoom Webinar** - Individuals wishing to provide public comment during the Board meeting can do so via Zoom webinar by clicking the below link to register in advance.

Register in advance for this meeting:

https://countyofsb.zoom.us/webinar/register/WN_4NDZ0LeLRlyXLStX7mIeVQ

After registering, you will receive a confirmation email containing important information about joining the webinar.

The Board of Directors of the Santa Barbara County Flood Control and Water Conservation District intends to hold a hearing prior to considering the adoption of the proposed Resolution of Necessity, regarding the following matters:

- a) Whether the public interest and necessity require the Project;
- b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c) Whether the property sought to be acquired is necessary for the Project;
- d) Whether the offer to purchase the property required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, and whether the offer and statement were in a form and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence;
- e) Whether insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use than the use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610; and
- f) Whether the Santa Barbara County Flood Control and Water Conservation District has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain (the "right to take") to acquire the property herein, as well as any other matter regarding the right to take the property by eminent domain.

NOTICE IS FURTHER GIVEN that you have the right to file a written request to appear and be heard at the Santa Barbara County Flood Control and Water Conservation District Board of Directors Meeting scheduled

for August 3, 2021 concerning the above referenced matters. The written request to appear and be heard shall be filed with the Board Secretary of the Santa Barbara County Flood Control and Water Conservation District, 105 East Anapamu Street #406, Santa Barbara, CA 93101, within 15 days after the mailing of this Notice.

NOTICE IS FURTHER GIVEN that the failure to file such a written request to appear and be heard within 15 days after the mailing of this Notice will result in waiver of your right to appear and be heard on the matters referred to above. If you elect not to appear and be heard, your failure to appear will result in a waiver of your right to challenge the right of the Santa Barbara County Flood Control and Water Conservation District to take this property by eminent domain.

PLEASE NOTE THAT THE PRICE TO BE PAID FOR THE PROPERTY WILL NOT BE CONSIDERED BY THE BOARD AT THIS PROCEEDING, AND IF YOU ELECT NOT TO APPEAR AND BE HEARD, YOUR NON-APPEARANCE WILL *NOT* BE A WAIVER OF YOUR RIGHT TO CLAIM GREATER COMPENSATION IN A COURT OF LAW.

PLEASE VISIT <http://www.countyofsb.org/ceo/cob.sbc> on the days before and through the morning of August 3, 2021 for updates concerning public participation at the Board of Directors meeting.

For further information regarding the design and proposed construction of the Project, you may contact the Santa Barbara County Flood Control and Water Conservation District 130 E. Victoria Street, Suite 200, Santa Barbara, California 93101, (805) 568-3440, or pwfloodoffice@co.santa-barbara.ca.us. For further information regarding property acquisition you may contact the Santa Barbara County General Services Department 1105 Santa Barbara Street, Second Floor, Santa Barbara, California 93101, (805) 568-2625, generalservices@co.santa-barbara.ca.us.

Exhibit A

APN: 007-120-101

PARCEL ONE:

That portion of the Outside Pueblo Lands of the City of Santa Barbara, in the County of Santa Barbara, State of California, described as follows:

Commencing at a pipe survey monument with brass cap set on the Westerly line of the Elizabeth Watson Randall Tract in Montecito, Santa Barbara County, from which a one-inch pipe survey monument set at the Southeast corner of Pacific Southwest Trust and Savings Bank Property, as per deed recorded in [Book 77 at Page 458 of Official Records](#), in the Office of the County Recorder of said County, bears South 6°23' East 79.37 feet, another two-inch pipe with brass cap at an angle point on said Westerly line of Randall Tract bears South 6°23' East 120.00 feet, a two-inch pipe with brass cap bears North 6°23' West 12.63 feet;

thence 1st, South 89°42' East through said Randall Tract 265.83 feet to the Easterly line of said Randall Tract 265.83 feet to the Easterly line of said Randall Tract, and the Westerly line of the Clifford Greene Property, as per deed recorded in [Book 183, Page 84 of Official Records](#), in the Office of the County Recorder of said County;

thence along the line between said Randall and Clifford Greene Property, the following courses and distances; 2nd, South 16°40' East 30.43 feet; 3rd, South 15°08' East 126.40 feet; 4th, South 9°12', West 64.7 feet to the true point of beginning of the property herein described;

thence continuing along said last mentioned property line the following courses and distances; 1st, South 27°18' East 57.80 feet, 2nd, South 56°30' East 31.04 feet;

thence 3rd, leaving said boundary line South 47°11'10" West 192.65 feet;

thence 4th, North 89°24' West 165.13 feet to a point on the Easterly line of the tract of land described in the deed to J.B. Canby, recorded in [Book 171, Page 246 of Official Records](#);

thence 5th, North 3°42' West along said Easterly line of said Canby Tract, 40.78 feet to a two-inch survey pipe shown on a survey map recorded in Book 23, Page 44 of Record of Surveys, in the Office of the County Recorder of Santa Barbara County;

thence 6th, North 23°55' West and along said Easterly line of said Canby Tract 66.00 feet;

thence 7th, North 61°27'43" East and leaving said Easterly line of said Canby Tract 126.71 feet;

thence 8th, North 79°47'03" East 176.71 feet to the true point of beginning.

EXCEPTING that portion conveyed to County of Santa Barbara and the Santa Barbara County Flood Control and Water Conservation District by deed recorded March 7, 1966 as Instrument No. 7800 in [Book 2142, Page 1249 of Official Records](#).

PARCEL TWO:

An easement for road, public utility, and sewer purposes, as reserved in deed recorded July 19, 1963 as Instrument No. 30789 in [Book 2003, Page 977 of Official Records](#), over along and upon a strip of land 54 feet in width lying adjacent to, parallel with, and Easterly of the following described line:

Beginning at the Southwest corner of the tract of land described above as Parcel One;

thence South 3°42' East 69.95 feet;

EXHIBIT "A"
Legal Description
(continued)

thence South 7°53' East 95.10 feet;

thence South 4°11' West 82.07 feet to the Northerly line of East Valley Road, being a portion of Parcel "A" of Tract 10361 per map recorded in [Book 73, Page 42 and 43 of Records of Surveys](#) on file in the Office of the County Recorder of said County.

EXCEPTING that portion of Parcel Two as conveyed to the State of California by deed recorded June 17, 1965 as Instrument No. 21072 in Book 2109, Page 248 of Official Record