

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: March 30, 2005
Department: General Services
Budget Unit: 063
Agenda Date: April 5, 2005
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Tom Alvarez, Director
General Services Department

STAFF CONTACT: Connie Smith, Agent (568-3097)
Real Estate Services Office

SUBJECT: Easement Deed Re: Grant of Easement at 131 Greenwell Ave, Summerland
First Supervisorial District
Real Property Folio No. 003457

Recommendations:

That the Board of Supervisors approve and execute an Easement Deed conveying an easement over county owned property known as Assessor's Parcel Numbers 005-204-037 and 005-204-045 to Horst Wegner, the property owner of 131 Greenwell Avenue, in Summerland, for the purpose of ingress and egress to his property.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community and with actions required by law or by routine business necessity.

Executive Summary and Discussion:

The County is the fee owner of undeveloped land located off Greenwell Avenue in Summerland, identified as Assessor's Parcel Numbers 005-204-037 and 005-204-045 (hereinafter the "Property"). The Property was acquired by Tax Deed recorded February 20, 1975.

In 1987, Mr. Kelly, the former owner of property located at 131 Greenwell Avenue (APN 005-204-048), asked the Board of Supervisors for an easement across the property, which is known as the northeasterly portion of the abandoned Banner Avenue adjacent to his neighbors' property (APN 005-204-049) for ingress and egress to his property. The County issued Mr. Kelly an Encroachment Permit which allowed him to build a driveway to his property.

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Horst Wegner, is the current owner of 131 Greenwell Avenue. Although he has benefited greatly from the previously built driveway, he would like to obtain recorded and insurable access to his property in the form of a permanent non-exclusive easement.

The project received concurrence from the Summerland Citizens Association, and on June 17, 2004, Planning and Development determined that the project was in conformity with the General Plan pursuant to Government Code §65402. The value of the easement (\$3,720.00) was determined by an independent appraisal.

On March 15, 2005, your Board adopted the Notice and Resolution of Intent to Sell an Interest in Real Property (Resolution 05-067) pursuant to Government Code §25562. Legal publication of the Notice and Resolution commenced that week pursuant to Government Code §6063. On March 22, 2005, your Board approved the Real Property Sale Contract and Escrow Instructions and an escrow account was opened with Chicago Title.

Your Board's approval and execution of the Easement Deed today will allow escrow to close once all the conditions of the Sale Contract and Escrow Instructions have been met.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

County staff time to complete this project is paid for by the petitioner, Horst Wegner. The proceeds from the anticipated sale will be directed to the Parks Department. The agreed upon sale price is the appraised value of \$3,720.00 for the easement. There are no Facilities impacts.

Special Instructions: After Board action, distribute as follows:

- | | |
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| 1. Copy of the Easement Deed | - Board's Official Files |
| 2. Executed Easement Deed & Minute Order | - Attn: Connie Smith, Real Estate Services Office,
Courthouse, 2 nd Floor Annex |

NOTE: Real Estate Services Office will deliver the executed Easement Deed to Chicago Title for further processing as part of escrow.

Concurrence:

Parks Department