



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
Department No.: 054
For Agenda Of: June 7, 2011
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

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

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

SUBJECT: Grant of Easements to the State of California on APNs 117-020-019, 117-020-058 & -060, 117-160-042, 044 & -048.
Fifth Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

- A) Approve and authorize the Chair of the Board of Supervisors and the Flood Control & Water Conservation District Board of Directors to execute the Right-of-Way Agreement and the Easement Deed regarding a portion of Santa Barbara County Assessor's parcel number 117-020-019. The easement is being granted to the State of California, Central Coast Water Authority and covers the strip of County owned land into which the State Water Pipeline was previously installed; and
- B) Approve and authorize the Chair of the Flood Control & Water Conservation District Board of Directors to execute the Right-of-Way Agreement and the Easement Deed regarding a portion of Santa Barbara County Assessor parcel numbers 117-020-058 & -060, 117-160-042, 044 & -048. The easement is being granted to the State of California, Central Coast Water Authority and covers the strip of County owned land into which the State Water Pipeline was previously installed.

Summary Text:

Execution, acceptance and recordation of the Easement Deeds will memorialize the State of California's right to operate and maintain the portion of the State Water pipeline located on land owned by the

County of Santa Barbara. After execution by the County the Right of Way Agreement and the Easement Deeds will be delivered to the State for execution and acceptance. The State will return the executed Agreements and easement acceptance documents to the County for recordation and filing.

Background:

The State Water Pipeline was constructed/ installed in the County of Santa Barbara in 1994. That installation (including the right-of-way grants) was found to be in compliance with CEQA guidelines in CEQA file No. 1995100168. The pipeline crosses Santa Barbara County Assessor's parcel number 117-020-019 which parcel is co-owned by Santa Barbara County and the Santa Barbara County Flood Control & Water Conservation District. It also crossed parcels 117-020-058 & -060, 117-160-042, 044 & -048 which are owned by the Santa Barbara County Flood Control & Water Conservation District. On October 15, 2002 Public Works submitted a request to the Planning Commission to determine if the County grant of easements to the State is in compliance with the County's adopted General Plan. The Planning Commission did not respond to that request for determination within the 40 day limit prescribed in Government Code 65402. Therefore the action is considered to be in compliance.

Once executed, accepted and recorded the Easements will legally and publicly acknowledge the State's right to operate and maintain the pipeline on the above referenced County owned parcels. The State agreed to pay fair market value for the easement areas (as determined by an outside appraiser), and for County staff time expended in processing the Easements.

Performance Measure: NA

Fiscal and Facilities Impacts:

Budgeted: Yes

The properties on which the easements are being granted are all part of the Santa Maria River Levee project. The easement purchase price of \$2,610.00 will be deposited to Budget Unit 054, Fund 2570, Account 5909, Program 3001, to help offset Levee maintenance costs. There are no facilities impacts associated with this action.

Fiscal Analysis:

The State is also paying for the County staff time needed to process the subject easements.

Staffing Impacts: None

Special Instructions:

After Board action, distribute as follows:

- | | | |
|----|---------------------|-------------------------------------|
| 1. | Original Agreements | Public Works, Attn: Jeff Havlik |
| 2. | Copies | Clerk of the Board Files |
| 3. | Original Easements | Public Works, Attn: Jeff Havlik |
| 4. | Copies | Clerk of the Board Files |
| 5. | Minute Order | Public Works, Attn: Jeff Havlik |
| 6. | Minute Order | Public Works, Attn: Christina Lopez |

NOTE: Real Property will deliver the original documents to the Central Coast Water Authority for execution and acceptance. The State will return the fully executed Right-of-Way Contracts and Easement acceptance documents to Real Property who will deliver the fully executed Agreements to the Clerk of the Board and the Easements to the Recorder's office. After recordation Real Property will deliver the original recorded Easement Deeds to the Clerk of the Board for its file, and will send copies of same to Flood Control and to the State.

Attachments:

Right-of-Way Agreement and Easement Deed for 117-020-019

Right-of-Way Agreement and Easement Deed for 117-020-058 & -060, 117-160-042, 044 & -048

Authored by:

J. Jeffery Havlik

cc: