

If consummated the road vacation will dispose of approximately 1,250 square feet of unimproved County road right-of-way by removing the public right to use the Portion. Most importantly, the vacation will also remove the County's liabilities associated with ownership of an interest in the Portion.

Background:

Mr. Mowery requested the removal of the public right-of-way interest in the Portion. The area proposed for vacation is shown on Exhibit "A" attached to the Summary Order to Vacate and the Quitclaim Deed (herein the "Portion"). The land in question is not a part of the usable Madera Street right-of-way used by the adjacent property owner (Mr. Hemming). Mr. Hemming confirmed that fact via email dated July 2, 2007 which is attached hereto. Public Works Transportation, Flood Control and Real Property representatives viewed the Portion and have no objection to the proposed vacation. No County departments objected to the proposed vacation. The County does not maintain the Portion and has no plans to expand its infrastructure in the vicinity of the Portion. There are no County facilities within the Portion. No Parcels will be "landlocked" if the vacation is consummated. The proposed vacation was found to be in conformity with the County's adopted General Plan by the Planning Commission at its regular meeting of January 12, 2005. All public utility providers were informed of the proposed vacation by letter dated 12/4/2004 and asked if they maintain facilities in the Portion. No utility providers have facilities within the Portion. Real Property posted and published a notice of intent to inform the public of the date of this proposed Board action.

Performance Measure:

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative: Staff time needed to process the right-of-way vacation was paid for by the applicant.

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

- | | |
|-----------------------------|---------------------------------|
| 1. Original Order to Vacate | Public Works, Attn: Jeff Havlik |
| 2. Copy of Order to Vacate | Clerk of the Board Files |
| 3. Original Quitclaim Deed | Public Works, Attn: Jeff Havlik |
| 4. Copy of Quitclaim Deed | Clerk of the Board Files |
| 5. Minute Order | Public Works, Attn: Jeff Havlik |

NOTE: After execution by the Board, Real Property will deliver the original executed Summary Order to Vacate and the Quitclaim Deed for recordation. After recordation the original recorded Order and Quitclaim will be filed with the Clerk of the Board. Copies of all the recorded documents will be mailed to Mr. Mowery and a set will be retained by the Transportation and Real Property Divisions of the Public Works Department.

Attachments:

CEQA Notice of Exemption
Summary Order to Vacate
Quitclaim Deed
Email from Mr. Hemming

Authored by:

J. Jeffery Havlik
Senior Right-of-Way Agent
568-3073

cc: Charlie Ebeling
Bret Stewart

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Santa Barbara County Public Works Department; Real Property
(Lead Department/Division)

Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as amended and defined in the State and County Guidelines for the implementation of CEQA.

APN(s) 143-220-021

Public Works Surveyor file No: R-192

LOCATION: Portion of the undeveloped Madera Street right-of-way adjacent to the above referenced parcel in the township of Santa Ynez near the intersection of Faraday Street as shown on "Exhibit A" attached hereto.

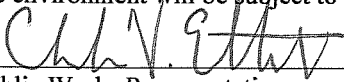
PROJECT TITLE: Termination of public right to use the above referenced portion of Madera Street.

PROJECT DESCRIPTION: Ask the Board of Supervisors to execute a "Summary Order to Vacate" and a "Grant Deed" regarding the herein referenced right-of-way. The area of the proposed vacation and grant deed is steep hillside and is not used as a public road or path. There are no County or Flood Control facilities within the area proposed for vacation, nor plans to install same.

EXEMPT STATUS: No Possibility of Significant Effect

Cite specific CEQA Guideline Section: §15061(b)(-3)

Reasons to support exemption findings: CEQA Guidelines Section 15061(b, 3), states that a project is exempt from CEQA if: "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The subject real estate transaction merely involves the abandonment of the public right to cross and the County's rights to install roadway improvements in the subject area. Therefore, this real estate transaction is not subject to CEQA. Any future improvements or modifications to the property that could have a significant effect on the environment will be subject to applicable permitting requirements.

 6/27/07
Public Works Representative Date

NOTE: A copy of this document must be posted with the County's Planning & Development Department at least 6 days prior to consideration of the activity by the decision-makers to comply with County CEQA guidelines and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statute of limitations on legal challenges.

RECEIVED

JUN 28 2007

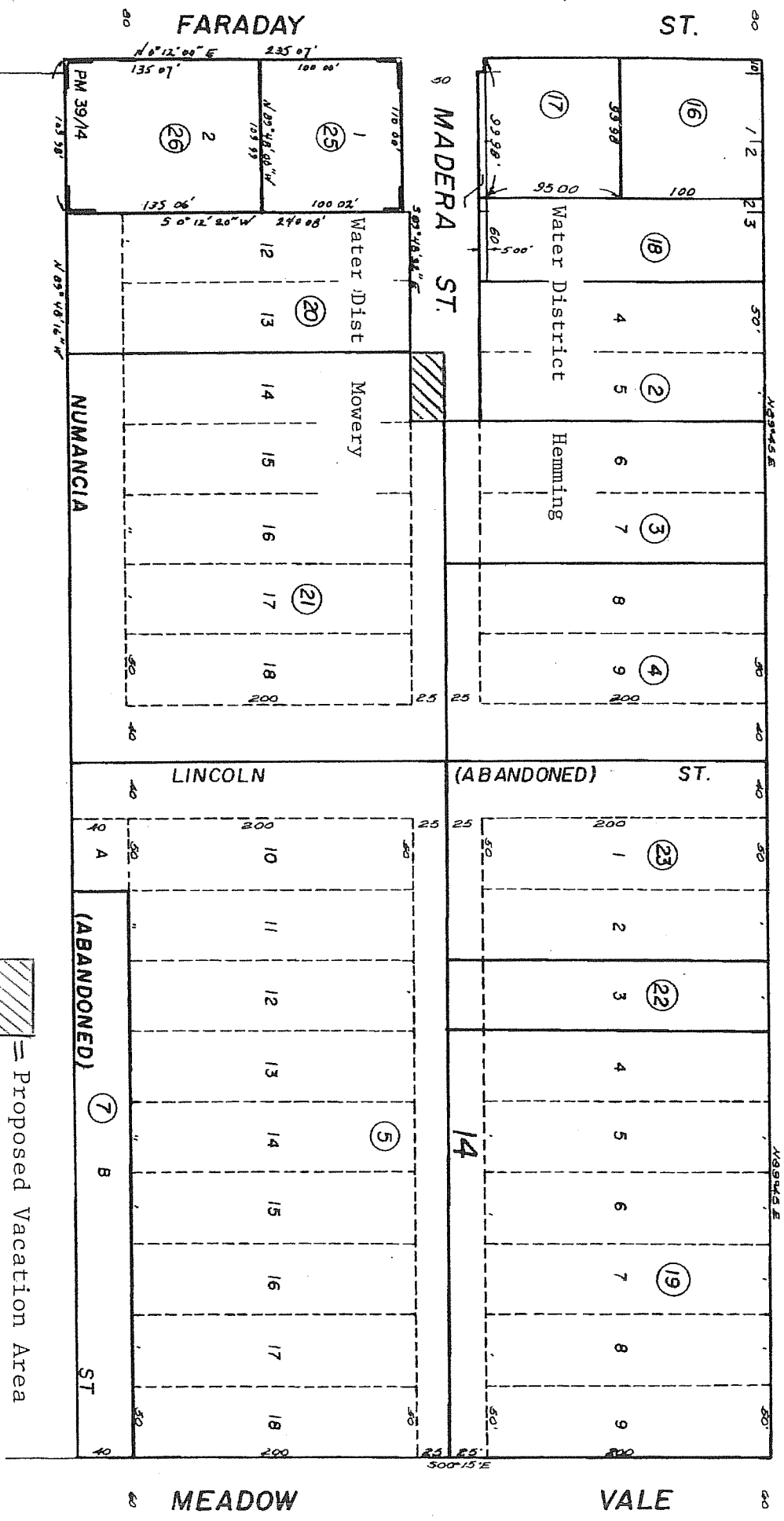
S.B. COUNTY
PLANNING & DEVELOPMENT

DATE FILED WITH PLANNING & DEVELOPMENT

DATE FILED WITH CLERK OF THE BOARD

(18)
 143-22
 N

SAGUNTO ST. ST.



(26)

EXHIBIT A

Recording requested by
and to be returned to:
Santa Barbara County Surveyor
Real Property
Will Call

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

Document entitled to free recordation
Pursuant to Government Code Section 6103

This Resolution is not Valid Until Recorded
SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

In The Matter of the Summary Vacation)
of a Portion of Madera Street in the)
Unincorporated Area of Santa Barbara) STREETS AND HIGHWAYS
Known as Santa Ynez) CODE SECTION 8320 et seq.

**SUMMARY ORDER TO VACATE
(PORTION OF A COUNTY RIGHT-OF-WAY)**

WHEREAS, the County of Santa Barbara a political subdivision of the State of California (hereinafter "COUNTY") is the owner of that certain road right-of-way in the unincorporated area of the County of Santa Barbara, State of California, commonly identified as Madera Street in Santa Ynez. Said right-of-way is identified and recorded in Official Records; Book 1693, Page 372, and in Instrument number 84-16006, in the office of the County Recorder of the County of Santa Barbara. The location of the right-of-way proposed for vacation is shown on "Exhibit A" attached hereto (hereinafter the "Portion"); and

WHEREAS, the Portion is outside the improved and traveled roadway and the owner of A.P.N.s 143-220-021, (the parcel burdened by the Portion) has petitioned the County to vacate it's interest in said Portion; and

WHEREAS, it has been determined by the Santa Barbara County Public Works Department that no part of the Portion is necessary for present or prospective public use as a county road pursuant to Section 892[a] of the Streets and Highways Code or as a nonmotorized transportation facility as defined in Section 887 of the Streets and Highway Code and that the COUNTY has no plans to use or develop the Portion for public use; and

WHEREAS, the County's Public Works Department, Transportation Division has determined it is in the public interest to vacate the public's interest in the Portion; and

WHEREAS, the Board of Supervisors of Santa Barbara County deems it to be in the best interest of the public to declare that the Portion is in excess of COUNTY'S present and foreseeable needs; and

WHEREAS, pursuant to Streets & Highways Code sections 8334 and 8334.5 this right-of-way vacation is entitled to a Summary Vacation.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of COUNTY does hereby find, determine and order as follows:

1. That the above recitals are true and correct; and
2. That the portion of Madera Street right-of-way being vacated (the Portion) is shown on "Exhibit A" attached hereto; and
3. That this Summary Order to Vacate is made pursuant to, in compliance with, and under authority granted in Chapter 4, Part 3, Division 9 of the Streets and Highways Code of the State of California, commencing with Section 8330; and
4. That pursuant to Section 8324 of the Streets and Highways Code, the public's right-of-way interest in the Portion is hereby vacated; and
5. That this Resolution, attested to by the Clerk of the Board under the seal of the Board, shall be recorded in the Office of the County Recorder in the County of Santa Barbara, State of California, and that the date of recording shall become the effective date of this Summary Order to Vacate; and
6. From and after the effective date, the Portion vacated no longer constitutes a street or public right-of-way.

///
///
///

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2007 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

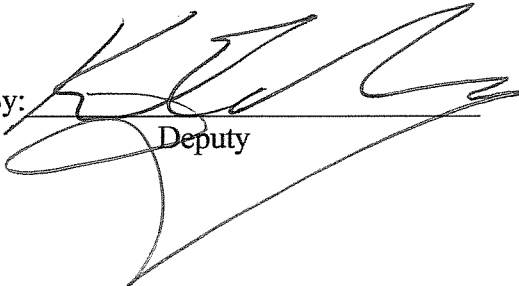
COUNTY OF SANTA BARBARA

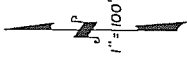
By: _____
Deputy

By: _____
Chair, Board of Supervisors

Date: _____

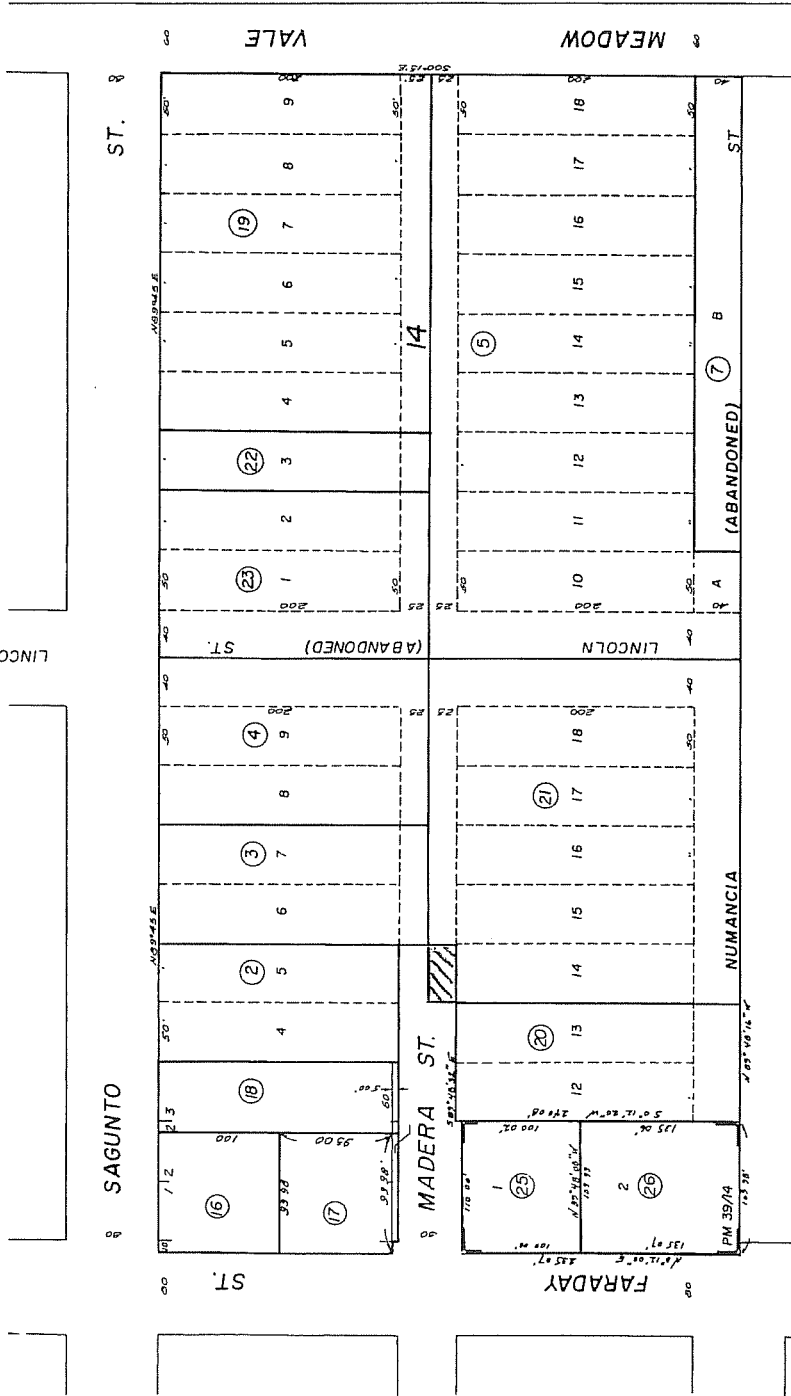
APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By:  _____
Deputy



(18)

LINCOLN ST.



Bk. 141

(26)

(21) [shaded box] = AREA OF VACATION

Assessor's Map Bk. 143 - Pg. 22
County of Santa Barbara, Calif.
2/87 25124

R.M. Bk. 1, Pg. 41 - Town of Santa Ynez

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Recording requested by
and to be returned to:
Santa Barbara County Surveyor
Real Property
Will Call

**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

Document entitled to free recordation
Pursuant to Government Code Section 6103

This Deed not Valid Until Recorded
SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

WHEREAS, the County of Santa Barbara a political subdivision of the State of California (hereinafter "COUNTY") is the owner of that certain road right-of-way in the unincorporated area of the County of Santa Barbara, State of California, commonly identified as an undeveloped portion of Madera Street in Santa Ynez. Said right-of-way is identified and recorded in Official Records; Book 1693, Page 372, and in Instrument number 84-16006, in the office of the County Recorder of the County of Santa Barbara. The right-of-way proposed for vacation is described and shown on the legal description attached hereto as "Exhibit A" (hereinafter the "Portion"); and

WHEREAS, the Portion is outside the improved and traveled roadway and the current owners of County Assessor's Parcel number 143-220-021, (the parcel adjacent to the Portion) have petitioned the County to vacate said Portion; and

WHEREAS, the COUNTY has no objection to the vacation of the public right-of-way on the Portion.

NOW THEREFORE, in consideration of the public and private benefits derived from the agreements herein set forth, it is mutually agreed and understood as follows:

1. **GRANTING CLAUSE**: The COUNTY OF SANTA BARBARA, a political subdivision of the State of California, does hereby remise, release and quitclaim to the WILLIAM F. MOWERY LIVING TRUST (herein "Mowery"), all right, title, and interest in that certain right-of-way and real property in the County of Santa Barbara, State of California, identified as a portion of Madera Street in Santa Ynez near the intersection of Faraday Street. The Portion is described and shown on Exhibit A attached hereto and by reference made a part hereof.

This quitclaim deed results from the vacation of excess public right-of-way adjacent to Owner's above referenced property and is not intended to create a separate legal parcel within the meaning of the California Civil Code Section 1093 nor a separate unit of real property within the California Subdivision Map Act. The intent of this quitclaim is to merge the area being quitclaimed with the Owner's property and form a single legal parcel or unit with APN 143-220-021.

2. **AS IS:** Owner specifically acknowledges that COUNTY has transferred and Owner has accepted the Portion on an "AS IS WITH ALL FAULTS" basis and that Owner did not rely on any representations or warranties of any kind whatsoever, express or implied, from COUNTY, its employees, agents, or brokers as to any matters concerning the property, including without limitations: its physical condition, including the structural elements of any improvements; its geology; the development potential of the Portion and its use, habitability, merchantability, or fitness for a particular purpose; its zoning or other legal status; its compliance with law; the presence or removal of hazardous or toxic materials, substances, or wastes on, under or about the Portion or the neighboring properties; the quality of labor or materials used in any improvements; the conditions of title to the Portion; the leases, service contracts, or other agreements affecting the Portion; and the economics of the operation of the Portion.

3. **EFFECTIVENESS:** This Deed shall be effective upon its recordation at the Santa Barbara County Recorder's Office.

IN WITNESS WHEREOF, COUNTY as Grantor has executed this Quitclaim Deed to be effective as of the date of recordation.

"COUNTY"
COUNTY OF SANTA BARBARA

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

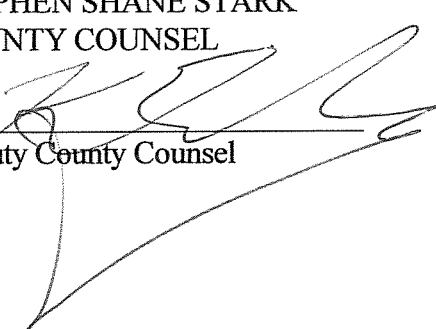
By: _____
Chair, Board of Supervisors

By: _____
Deputy

Date: _____

APPROVED AS TO FORM:
STEPHEN SHANE STARK
COUNTY COUNSEL

By: _____
Deputy County Counsel



APPROVED AS TO INSURANCE FORM:

By: _____
Ray Aromatorio
Risk Program Administrator

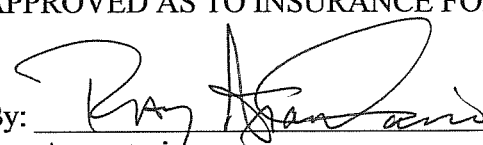


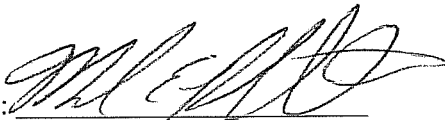
Exhibit "A"
(Legal Description)

A portion of land in the Town of Santa Ynez, County of Santa Barbara, State of California, according to the Map of the Town of Santa Ynez filed March 12, 1888 and recorded in Book 1, Page 41 of Miscellaneous Records in the Office of the County Recorder of said County, described as follows:

A portion of Block 13 of said Map, being that portion of an unnamed alley (50 feet wide) as shown on said Map and currently known as Madera Street, described as the southerly one-half of said alley lying easterly of the northerly prolongation of the westerly boundary of Lot 14 as shown on said map, and lying westerly of the northerly prolongation of the easterly boundary of said Lot 14.

A diagram of the portion of land herein described is shown on the attached Exhibit B.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: 
Mark E. Reinhardt, P.L.S.

Date: 4-20-07

88

EXHIBIT A
2 of 2
MNS

Havlik, Jeff

From: Mark Hemming [hemmingl@mhicconstruction.com]

Sent: Monday, July 02, 2007 5:59 PM

To: Havlik, Jeff

Subject: Mowrey Vacation

Dear Jeff,

Thank you for your endless and unbiased efforts to provide information and help to resolve the Madera Street abandonment issue, it is appreciated.

As for the Mowrey Vacation part of the proposal, I have looked at the maps and read the information provided and do not think it's approval would affect my concerns which were maintaining much needed rear access and not limiting future development options I would have by removing that access. So in the spirit of being reasonable and fair, I agree with and approve of the motion to abandon that section of the south/east corner of Madera Street recognized as the Mowrey section. My understanding is that this motion would be in conformance with the effort of maintaining a minimum of 25 feet wide easement for access from the south/west corner of my property at 3630 Sagunto Street to Faraday Street.

Sincerely,
Mark A. Hemming