

ATTACHMENT 5

**Resolution of Necessity
Amended
Exhibit "A"
and
ATTACHMENT "3" to Exhibit "A"**

EXHIBIT "A"

A permanent easement and right-of-way over, under and across a portion of the Santa Barbara Assessor Parcel No. 033-074-001 (herein "Property") for the excavation, removal, demolition, and alteration of facilities, vegetation and topography, and for the construction, reconstruction, replacement, repair, use and maintenance of various improvements as required for the Lower Mission Creek Flood Control Project # SC8042, and subsequently for water flowage, flood control and all related purposes.

The permanent easement area (herein the "Easement Area") contains approximately 2,929 sq.ft. and is more particularly described in Attachment "1" to this Exhibit "A" (legal description) and shown on Attachment "2" to this Exhibit "A" attached hereto and incorporated herein by this reference..

The fee owner of the Property shall retain the right to use the Easement Area for access, parking, driveways, landscaping and related surface uses provided that no surface or subsurface use of the Easement Area shall unreasonably interfere with the rights acquired herein. The use of the permanent easement shall not unreasonably limit or otherwise prevent access to or from the Property during maintenance and repair of the public facilities built in the Easement Area.

The permanent easement described herein does not include the right to construct an open-channel facility in the Easement Area except for that portion along the southerly boundary of the Easement Area adjacent to the existing channel facility on the Property shown on Attachment "3" to this Exhibit "A" which is attached hereto and incorporated herein as set forth in the design of the Mission Creek Project #SC8042, Reach 2A.

