



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

Submitted on:
(COB Stamp)

Department Name: Public Works
Department No.: 054
For Agenda Of: June 5, 2007
Placement: Departmental
Estimate Time:
Continued Item: NO
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Director: Scott McGolpin, Interim Director
Public Works Department 568-3010
Contact Info: Dace Morgan; Interim Deputy Director Public Works 568-3064
Mike Emmons; County Surveyor 568-3020

SUBJECT: Right of Way Vacation: Portion of Madera Street

County Counsel Concurrence:

As to form/legality: Yes No N/A

Auditor-Controller Concurrence:

As to form: Yes No N/A

Recommended Action(s):

Authorize the Chair of the Board of Supervisors to:

- A. Approve the attached Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines re: vacating the County's right-of-way underlying a portion of Madera Street which crosses Santa Barbara County Assessor's Parcel numbers 143-220-002, -018, -020, & -021 near the township of Santa Ynez; and
- B. Adopt the attached Resolution, Summary Order to Vacate, vacating the portion of Madera Street which is adjacent to the property owned by the Santa Ynez River Water Conservation District; and
- C. Adopt the attached Resolution, Summary Order to Vacate, vacating the portion of Madera Street adjacent to the property owned by Mr. Mowery; and
- D. Execute the attached Grant Deeds (3) for the portion of Madera Street adjacent to the Water District property; and
- E. Execute the attached Grant Deed for the portion of Madera Street adjacent to Mr. Mowery's property.

Summary:

The subject right-of-way abuts A.P.N.s 143-220-002 -018, -020, & 021. Parcels 143-220-002 -018, & -020 are owned by the Santa Ynez River Water Conservation District (herein the "District"), Parcel 143-220-021 is owned by Mr. Mowery. The areas proposed for vacation are shown on Exhibit "A" attached to the Summary Orders to Vacate and the Grant Deeds. The areas being vacated shall collectively be referred to herein as the "Portion". Public Works Transportation, Flood Control and Real Property

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representatives have viewed the Portion and have no objection to the proposed vacation. The section of Madera right-of-way adjacent to Mr. Mowery's property consists entirely of steep hillside, and is not usable for access. Nearly all the right-of-way adjacent to the District's property is level and in use. The County does not maintain the Portion, has no plans to expand its infrastructure in the vicinity of the Portion, and there are no County facilities within the Portion. Based upon these facts there appears to be no necessity for the County to retain ownership of the Portion. Pacific Gas & Electric has facilities in the area of the Portion owned by the District; their right to operate and maintain those facilities is reserved in the Summary Order to Vacate for the District land. No Parcels will be "landlocked" if the vacation is consummated.

Mark Hemming owns APN 143-220-003 (3630 Sagunto Street), which property is adjacent to and east of the District's Sagunto Street property. The parking lot for Mr. Hemming's property exits onto Madera Street. Due to this ongoing use Mr. Hemming has informed County staff that he objects to the proposed vacation of the section of Madera adjacent to the District's property. A letter from his attorney defining those objections is attached hereto. Real Property contacted the District and asked if they would negotiate a right-of-way reservation allowing the owners and users of Mr. Hemming's property the continued right to cross a portion of Madera Street adjacent to the District's property, they would not. A letter from one of the attorneys for the District is attached hereto.

If consummated the road vacation will dispose of approximately 6,500 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:

The water District requested the vacation of the right-of-way for their public purposes. Mr. Mowery requested the vacation to add the County right-of-way to his land. No County departments objected to the proposed vacation and the County does not have a necessity in retaining the road. 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. Pacific Gas & Electric has facilities in place and their rights to maintain those facilities will be reserved from a portion of the vacation of the right-of-way on the District's land. Real Property posted and published a notice of intent to inform the public of the date of this proposed Board action.

Fiscal and Facilities Impacts:

None.

Budgeted: Yes No

Fiscal Analysis:

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

Legal Positions:

FTEs:

Special Instructions:

- | | | |
|----|-------------------------------|---------------------------------|
| 1. | Original Orders to Vacate (2) | Public Works, Attn: Jeff Havlik |
| 2. | Copy of Order to Vacate | Clerk of the Board Files |
| 3. | Original Grant Deeds (4) | Public Works, Attn: Jeff Havlik |
| 4. | Copy of Grant Deeds | 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 Orders to Vacate (2) and the Grant Deeds (4) for recordation. After recordation the original recorded Order and the Grant Deeds will be filed with the Clerk of the Board. Copies of all the recorded documents will be mailed to the appropriate owners and a set will be retained by the Transportation and Real Property Divisions of the Public Works Department.

Attachments: (list all)

CEQA Notice of Exemption
Summary Order to Vacate (2)
Grant Deeds (4)
Letter from Hatch & Parent, dated 4/11/2007
Letter from Schley Look & Guthrie, dated 4/16/2007

Authored by:

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

cc: Charlie Ebeling
Bret Stewart