

Recorded at request of
COUNTY OF SANTA BARBARA
REAL PROPERTY DIVISION)
 and when recorded returned to:)
 COUNTY OF SANTA BARBARA)
 General Services Department)
 Real Property Division)
 1105 Santa Barbara Street, 2nd Floor)
 Santa Barbara CA, 93101)
 WILL CALL)
COUNTY OF SANTA BARBARA)
OFFICIAL BUSINESS)

No Fee Pursuant to California
 Government Code §6103 and §27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE
 APN: 143-141-007 (portion of)
 Real Property File No. 003559

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

IN THE MATTER OF THE PROPOSED) RESOLUTION NO. _____
 VACATION OF A PORTION OF A)
 COUNTY ROAD) STREETS AND HIGHWAYS CODE
 SECTION 8320 et seq.

**ORDER TO VACATE
 A COUNTY ROAD**

**WITH RESERVATION OF PUBLIC UTILITY EASEMENTS
 FOR FRONTIER COMMUNICATIONS, PACIFIC GAS AND ELECTRIC COMPANY,
 AND SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT
 DISTRICT NO. 1**

**PORTIONS OF PINE STREET, LINCOLN STREET & CAMINO ARROYO
 SANTA YNEZ, CA**

WHEREAS, the County of Santa Barbara (hereinafter "COUNTY") is the owner of those certain road properties in the unincorporated area of the County of Santa Barbara, State of California, known as Pine Street, Lincoln Street and, Camino Arroyo in the Town of Santa Ynez (collectively the "Road"), which Road was acquired in easement interest by COUNTY pursuant to that certain Record of Survey filed in Book 170, Page 59, in the Office of the County Recorder; and

WHEREAS, the portions of Pine Street, Lincoln Street, and Camino Arroyo proposed for vacation (herein the "Portions") are located across County Assessor's Parcel Number 143-141-007 (herein the "Property"). Portions are legally described and shown on Exhibits "1A" and "1B"; Exhibits

“2A” and “2B”; and Exhibits “3A” and “3B” attached hereto and incorporated herein by this reference; and

WHEREAS, the owners of the Property submitted an application to the COUNTY to vacate the Portions; and

WHEREAS, the proposed rights-of-way vacation would dispose of COUNTY road rights-of-way by permanently removing the COUNTY’S easement interest in the Portions; and

WHEREAS, at its regular meeting of July 30, 2014, the COUNTY’S Planning Commission found the abandonment of the COUNTY’S rights-of-way to be in conformity with the COUNTY’S Comprehensive Plan pursuant to Government Code Section 65402(a); and

WHEREAS, it has been determined by COUNTY’S Public Works Department that, in accordance with Section 892(a) of the California Streets and Highways Code, the Portions are not useful as a bicycle path or route; and

WHEREAS, it has been determined by the COUNTY’S Public Works Department that the Portions are unnecessary for present or future public use as portions of county roads and are no longer required by the traveling public or the COUNTY; and

WHEREAS, no parcels will be landlocked if the Portions are vacated; and

Commented [GS1]: Just made this change to save space

WHEREAS, in accordance with Section 8340(c) of the California Streets and Highways Code, the COUNTY is required to reserve and except from the vacation of the Portions any easement and right necessary to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use; and

WHEREAS, Frontier Communications has in-place and in-use public utilities in the Portions, an easement for which shall be reserved and excepted from the vacation of the Portions; and

WHEREAS, Pacific Gas and Electric Company has in-place and in-use public utilities in the Portions, an easement for which shall be reserved and excepted from the vacation of the Portions; and

WHEREAS, Santa Ynez River Water Conservation District, Improvement District No. 1 has in-place and in-use public utilities in the Portions, an easement for which shall be reserved and excepted from the vacation of the Portions; and

WHEREAS, in accordance with Section 8340(d) of the California Streets and Highways Code, the COUNTY may reserve and except from vacation an easement and right for non-vehicular trails for public use; and

WHEREAS, a public non-vehicular trail easement shall be reserved and excepted from the vacation of the Portions. Public non-vehicular trail easement is legally described and shown on Exhibits “4A” and “4B” attached hereto and incorporated herein by this reference.

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.
2. That the Portions being vacated are unnecessary for present or prospective public use.
3. That the Portions, consisting of portions of Pine Street, Lincoln Street, and Camino Arroyo, legally described on Exhibits “1A”, “2A”, and “3A” and shown on Exhibits “1B”, “2B”, and “3B” attached hereto and incorporated herein by this reference, are hereby vacated as a County road pursuant to California Streets and Highways Code Section 8320 et seq.
4. That the public non-vehicular trail easement, legally described on Exhibit “4A” and shown on Exhibit “4B” attached hereto and incorporated herein by this reference, is hereby reserved and excepted from the vacation of Portions pursuant to California Streets and Highways Code Section 8340(d).
5. That the Portions are hereby removed from the COUNTY Road Maintenance System.
6. That in accordance with Section 8340(c) of the California Streets and Highways Code, an easement and right necessary to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use by **Pacific Gas and Electric Company** are hereby reserved and excepted from the vacation of the Portions in the location of such in-place and in-use public utility facilities
7. That in accordance with Section 8340(c) of the California Streets and Highways Code, an easement and right necessary to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use by **Frontier Communications** are hereby reserved and excepted from the vacation of the Portions in the location of such in-place and in-use public utility facilities.
8. That in accordance with Section 8340(c) of the California Streets and Highways Code, an easement and right necessary to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use by **Santa Ynez River Water Conservation District, Improvement District No. 1** are hereby reserved and excepted from the vacation of the Portions in the location of such in-place and in-use public facilities.

Commented [GS2]: Recommend adding this as St & Hwy 8324 requires a Board finding that the easement is unnecessary for present or prospective public use.

Commented [GS3]: My preference would be to reserve an easement to each separately.

9. That the vacation of the Portions shall not be final until the COUNTY has recorded the final Order to Vacate.
10. 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 Order to Vacate.

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

AYES:

NOES:

ABSENT:

ABSTAINED:

COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS

By: _____
Deputy

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: _____
Scott Greenwood, Esq.,
Deputy County Counsel