

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: November 4, 2005
Department: Public Works
Department No.: 054
Agenda Date: December 6, 2005
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

STAFF Bret Stewart, Traffic Section Manager: 568-3232
CONTACT: Harrison Heyl, Real Property Agent: 568-3072
Michael B. Emmons, County Surveyor: 568-3020

SUBJECT: Summary Order to Vacate – Portions of Grand Avenue, Lansing Crossing (also referred to as Alamo Pintado Road) and Santa Barbara Avenue, Los Olivos (Real Property Folio Nos. R-158 and R-203)
Third Supervisorial District

Recommendation(s):

That the Board of Supervisors:

- 1) Approve the attached Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines for the vacation of road easements comprising excess portions of right of way along Grand Avenue, Lansing Crossing (also referred to as Alamo Pintado Road) and Santa Barbara Avenue in the town of Los Olivos.
- 2) Adopt the attached Resolution, Summary Order to Vacate, vacating the subject portions of Grand Avenue, Lansing Crossing/Alamo Pintado Road and Santa Barbara Avenue.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

The County of Santa Barbara (“County”) acquired an easement and right of way for public road purposes along portions of Grand Avenue, Lansing Crossing (also referred to as Alamo Pintado Road) and Santa Barbara Avenue (hereinafter collectively referred to as the “Roadways”) in the unincorporated area of Los Olivos by a Right of Way Grant recorded as Document No. 1987-086770 on November 23, 1987 in the Office of the County Recorder.

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The County acquired portions of the Roadways by donation pursuant to this Right of Way Grant in order to replace, realign and construct a new bridge over Alamo Pintado Creek along Lansing Crossing/Alamo Pintado Road in a different location than the bridge's historical location.

The County subsequently elected not to replace, realign and construct the new bridge in such different location, but rather in its historical location. Therefore large portions of the road easement and right of way conveyed to the County under the Right of Way Grant were no longer necessary for roadway purposes.

The County previously vacated a portion of the easement and right of way conveyed to the County under the Right of Way Grant pursuant to County Board of Supervisors Resolution No. 91-346, recorded as Document No. 91-037753 on June 14, 1991, in the Office of the County Recorder. However, there are large areas of right of way remaining that are excess to the County's needs.

Portions of the Roadways encumber Assessor's Parcel Numbers 135-240-061 and 135-240-060. The property owners of Assessor's Parcel Number 135-240-061, Cynthia and Dennis Ebejer, have petitioned the Public Works Department to vacate those excess portions of the Roadways encumbering their property, and the property owners of Assessor's Parcel Number 135-240-060, Laura and Brian Lippincott, have petitioned the Public Works Department to vacate those excess portions of the Roadways encumbering their property.

In accordance with Section 8331(a) of the California Streets and Highways Code, the subject portions of Roadways have been unimproved and have been impassable for vehicular travel for a period of five consecutive years.

In accordance with Section 8331(b) of the California Streets and Highways Code, no public money was expended for maintenance of the subject portions of the Roadways for a period of five consecutive years.

In accordance with Section 8334(a) of the California Streets and Highways Code, the subject portions of Roadways are excess right of way not required for street or highway purposes, are unnecessary for present or prospective public use, and are therefore eligible for summary vacation.

In accordance with Section 8334.5 of the California Streets and Highways Code, there are no in-place public utility facilities which are in use and would be affected by the vacation.

Pursuant to Streets and Highways Code Section 892(a), the excess portions of Roadways are not useful as a nonmotorized transportation facility or bike path. Vacation of the subject portions of Roadways will not impair public or private access, nor will the proposed vacation of the subject portion of Roadways affect existing or future traffic circulation. Additionally, vacation of the subject portion of Roadways is in the public interest, in that the County of Santa Barbara will be relieved of liability for the subject portion of the Roadways to be vacated.

It should be noted that even after the subject excess portions of Roadways are vacated, the County will still retain a sizeable portion of road right of way that is not currently improved.

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Approximately thirty-five feet (35') of right of way will be retained north of the existing bridge on Lansing Crossing/Alamo Pintado - almost double the forty-foot (40') width of the existing bridge. This surplus of right of way will provide access to Alamo Pintado Creek for flood control and bridge maintenance purposes, and allow for the installation of additional traffic lanes, bike lanes, and/or sidewalks in the future if needed.

In addition to the thirty feet (30') of right of way on either side of the centerline along Santa Barbara Avenue, the County will retain an additional fifteen feet (15') on the east side of the street at the intersection of Lansing Crossing/Alamo Pintado, preserving the rock garden at the corner which was installed when the new bridge was constructed, and allowing for the installation of additional traffic lanes, bike lanes, and/or sidewalks in the future if needed.

Finally, eighty feet (80') of right of way will remain along Grand Avenue, allowing for the installation of additional traffic lanes, bike lanes, and/or sidewalks in the future if needed.

Upon the adoption and recordation of the attached Summary Order to Vacate, the excess portions of road right of way will be vacated.

The Notice of Exemption was posted in compliance with CEQA with the County's Planning & Development Department as required by Government Code prior to this Board meeting. Additionally, it will be posted with the Clerk of the Board after approval by the Board of Supervisors to begin a 35-day statute of limitations on legal challenges.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

There are no County structures or facilities on the subject portions of Roadways. There are no Fiscal or Facilities impacts.

Special Instructions:

After Board action, please distribute as follows:

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| 1. | Original Notice of Exemption | Clerk of the Board Files |
| 2. | Copy of Notice of Exemption | Surveyor's Division, Attn: Harrison Heyl |
| 3. | Original Order to Vacate | Surveyor's Division, Attn: Harrison Heyl |
| 4. | Copy of Order to Vacate | Clerk of the Board Files |
| 5. | Minute Order | Surveyor's Division, Attn: Harrison Heyl |
| 6. | Minute Order | Transportation Division, Attn: Bret Stewart |

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After adoption by the Board, Real Property will deliver the original, executed Summary Order to Vacate to the Office of the County Recorder for recordation. After recordation the original recorded Summary Order to Vacate will be filed with the Clerk of the Board. A copy will be mailed to the petitioners and a copy will be retained by the Real Property Section of the Public Works Department.

Concurrence: