

Memorandum

Date: April 2, 2012
To: Clerk of the Board
From: Ronn Carlentine *RC*
Office of Real Estate Services X3078



Subject: BOS Agenda Departmental Item D-8,
April 3, 2012
General Services and Public Works Department
Hearing – Consider recommendations regarding Union Valley Parkway
Extension Phase 3 Project; Walmart Stores Inc. Acquisition, Third District



The General Services Department, Office of Real Estate Services respectfully requests replacement of the Resolution of Necessity relating to the Departmental Item D-8 on the April 3, 2012 Agenda, as advised by County Counsel.

The attached Resolution of Necessity and seven copies are for further distribution.

Thank you for your cooperation in this matter.

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

IN THE MATTER OF INSTITUTING)
PROCEEDINGS AND MAKING A FINDING)
OF PUBLIC NECESSITY FOR THE)
ACQUISITION OF CERTAIN PROPERTY)
IN THE FOURTH SUPERVISORIAL DISTRICT,)
COUNTY OF SANTA BARBARA, FROM)
WALMART STORES, INC.)

RESOLUTION NO. _____
(2/3 vote required)

BE IT RESOLVED that the Board of Supervisors of the County of Santa Barbara, State of California, does hereby find and determine as follows:

A. COUNTY has approved the acquisition of approximately 7.7 acres on a portion of the Property in connection with Union Valley Parkway Phase III Roadway Improvement Project, hereinafter referred to as the "Project" in the real property located in the Fourth Supervisorial District, to wit, County Assessor Parcel Nos. 107-250-011, 107-250-012, and 107-250-013, hereinafter legally described; and

B. That the intent is to acquire such real property for all the uses and purposes of constructing a roadway, and for purposes under the authority of:

1. Article I, Section XIX of the California Constitution;
2. Code of Civil Procedure; Section 1240.010, 1240.110, 1240.120, 1230.020 and 1240.020;
3. Government Code Section 25350.5; and

C. That such certain real property within the unincorporated territory of the County of Santa Barbara, State of California, is legally described on Exhibits "A," and shown by map depiction on Exhibit "B" and attached hereto and made a part hereof; and

D. That the Board of Supervisors recognizes its prior approval of Project, and its October 13, 2009 determination that the Environmental Impact Report prepared by the City of Santa Maria had been considered pursuant to California Environmental Quality Act (CEQA) Guideline 15096 (i); and the County has complied with environmental review process under the provisions of CEQA Guidelines adopted by the Secretary of Resources; and

E. That the acquisition of real property to be acquired herein is within the boundaries of the County and hereinafter described as necessary for the benefit of the County as a east to west roadway connection from U.S. Highway 101 to State Route 135 in the County; and

F. That pursuant to Government Code Section 1245.235, notice and an opportunity to be heard was given to the person(s) shown on the last equalized County assessment roll for the real property to be acquired herein and said person(s) was provided with a proper Appraisal Summary Statement and Eminent Domain Process; and

G. That pursuant to Government Code Section 7267.2 the owner(s) of record was offered just compensation for the real property hereinafter described; and

H. That the public interest and necessity require the acquisition of the real property hereinafter described, for public use purposes, namely, for east to west roadway connection from U.S. Highway 101 to State Route 135 in the County; and

NOW, THEREFORE it is found, determined and resolved by at least two-thirds (2/3) vote of this Governing Board, as follows:

1. The real property and real property interests to be acquired are to be acquired in easement interest, and located within the County's boundaries and is described as a portion of Assessor Parcel Nos. 107-250-011, 107-250-012, and 107-250-013, and as more particularly described in Exhibit "A," and shown on Exhibit "B", attached hereto and incorporated by reference herein.

2. The public interest and necessity require the Project, said Project being for the benefit of the County and, therefore, a public use, and the property described in said Exhibit "A," and shown on Exhibit "B" be taken for such public use.

3. The public use to which the real property will be put is for a roadway connection to existing roadways and related and incidental purposes.

4. The property described in the Resolution is necessary for the Project. The staff report of the County is hereby incorporated by reference in support of these findings.

5. The public interest and necessity require the acquisition on said real property described herein and in said Exhibit "A," and the taking of said real property is necessary for the implementation of the Project in that the community is in great need of a roadway connection east to west from U.S. Highway 101 to State Route 135, for the citizens of the County and it is hereby directed that said real property described in said Exhibit "A," be acquired by the County by eminent domain proceedings as hereinafter set forth.

6. Said Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury; that said Project will benefit the general public in that it will provide the necessary roadway connection to U.S. Highway 101 and State Route 135, and that no other reasonable means of financing the implementation of the Project are available to the community and that the aforesaid use to which the property is to be applied, i.e., a public roadway is a use authorized by law.

7. The County has complied with the environmental review process under the provisions of CEQA and the State CEQA Guidelines adopted by the Secretary of Resources.

8. The offer required by Section 7267.2 of the Government Code has been made to the owner(s) of record.

9. The County Counsel and General Services Departments of the County of Santa Barbara and Special Eminent Domain Counsel, the Law Offices of Oliver, Sandifer, and Murphy are authorized and directed to perform all acts necessary on behalf of the County for the acquisition of said interest in real property, and to do any and all other things in connection with such proceedings as in his/her or their judgment may be necessary or convenient to the successful conclusion of said proceeding or proceedings, including obtaining of an Order for Immediate Possession, the preparation, filing, amendment, dismissal, etc. of all pleadings and stipulations that in the opinion of Special Counsel are necessary for the processing of the litigation.

10. Under the Cooperative Agreement between the City of Santa Maria and the County of Santa Barbra, the Public Works Department is hereby authorized to request and expend City of Santa Maria funds available to the County for the acquisition of the real property.

11. The Law Offices of Oliver, Sandifer, and Murphy is hereby authorized and directed to record a certified copy of this Resolution in the Office of the County Recorder of the County of Santa Barbara. It may thereafter be referred to in any acceptance by any of the officers or agents referred to hereinabove with the same effect as though a certified copy of this Resolution were attached to the document accepted.

BE IT RESOLVED that the interest in the real property described on Exhibit "A," and shown on Exhibit "B" attached hereto be condemned in the name of the County of Santa Barbara for said public purposes, as specified herein and County Counsel of the County of Santa Barbara and its Special Eminent Domain Counsel are hereby authorized, empowered, and directed to prepare and prosecute in the name of the County of Santa Barbara such proceeding or proceedings in the proper Court having jurisdiction thereof, as are necessary for such acquisition, and are authorized, at their discretion are authorized to apply for an order or orders fixing the amount of such security in the way of money deposits as said Court may direct, and for an order or orders permitting said County to take immediate possession and use of said real property for the public purposes.

Project: Union Valley Parkway Phase III
Folio: 003618

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day _____, 2012, by the following vote:

AYES;

NOES:

ABSTAINED:

ABSENT:

COUNTY OF SANTA BARBARA

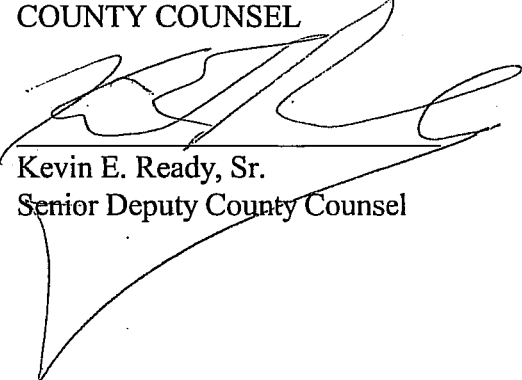
ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By: _____
Doreen Farr, Chair
Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM
ROBERT W. GEIS, C.P.A.
AUDITOR-CONTROLLER


Kevin E. Ready, Sr.
Senior Deputy County Counsel



Deputy Auditor-Controller
Gregory Eric Levin
Advanced and Specialty Accounting

EXHIBIT A

RIGHT OF WAY, ORCUTT ROAD REALIGNMENT THROUGH 107-250-011

That portion of Parcel A of Parcel Map 11691, in the County of Santa Barbara, State of California, as shown on the map filed in Parcel Map Book 12, Page 57, in the Recorder's Office of said county, described as follows.

Beginning at a 1/2" iron pipe and nail at the southwesterly corner of Parcel A of Parcel Map 11691, as shown on Parcel Map Book 12, Page 57 of said County's Records, which bears South 1° 42' 06" West, 1496.38 feet (record North 0° 17' 46" East, 1496.86 feet) from a 1-1/2" iron pipe at the northwesterly corner of Parcel B of said Parcel Map;
thence along the westerly line of said Parcel A, North 01° 42' 06" East, 266.84 feet to POINT "A";
thence North 32° 30' 25" East, 9.77 feet more or less to the easterly line of a 60 feet wide right of way as described in the deed to the State of California, recorded December 15, 1916, in Deed Book 157, Page 83, of said County's Records, the TRUE POINT OF BEGINNING;
thence North 32° 30' 25" East, 39.34 feet to a point that bears N32°30' 25"E 49.11 feet from POINT "A";
thence the following courses:

- North 35° 21' 21" East, 70.38 feet;
- North 12° 25' 36" East, 24.29 feet;
- North 42° 58' 45" East, 28.02 feet;
- North 65° 28' 03" East, 32.88 feet;
- North 42° 49' 43" East, 89.17 feet;
- North 37° 19' 49" East, 43.20 feet;
- North 28° 20' 57" East, 100.55 feet;
- North 20° 01' 13" East, 65.96 feet;
- North 11° 25' 26" East, 109.18 feet;
- North 43° 24' 40" West, 40.67 feet to POINT "B" on the northerly line of Parcel A of said Parcel Map;
- South 89° 47' 05" East, 84.10 feet along the northerly line of Parcel A of said Parcel Map to POINT "C", the northeasterly corner of Parcel A of said Parcel Map;
- South 1° 42' 06" West, 255.77 feet along the easterly line of Parcel A of said Parcel Map to POINT "D";
- South 33° 54' 06" West, 42.71 feet;
- South 40° 19' 43" West, 93.62 feet;
- South 43° 10' 34" West, 109.53 feet;
- South 44° 15' 25" West, 73.64 feet;
- South 49° 33' 01" West, 68.92 feet;
- South 31° 08' 27" West, 82.73 feet;
- South 20° 47' 25" West, 79.30 feet;
- South 11° 49' 38" West, 78.26 feet to POINT "E" on the easterly line of said 60' wide right of way;
- North 1° 42' 06" East, 226.54 feet along the easterly line of said 60' wide right of way to the TRUE POINT OF BEGINNING.

The above described portion of said Parcel A contains 60527 square feet (1.390 acres) and is shown on Exhibit B, attached hereto and made a part hereof for informational purposes.



This description was prepared by me in conformance with the requirements of the Professional Land Surveyors Act.

Robert J. Reese
Robert J. Reese, LS 6208

09 04 2010
date

S.R.135 (Orcutt Expressway)

ORCUTT ROAD (EXISTING)

N1°42'06"E 1496.38' to NW COR PARCEL B

PROPOSED UNION VALLEY PARKWAY RIGHT OF WAY

e'ly 35' R/W per 157 Dd 83

POINT "B"

POINT "C"

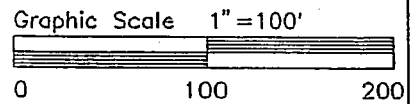
AREA OF DESCRIPTION

POINT "D"

PARCEL C
12 PM 57
APN 107-250-013

TPOB
PARCEL ONE
POINT "A"

PARCEL A
12 PM 57
APN 107-250-011



This map was prepared by me in conformance with the requirements of the Professional Land Surveyors Act.

Robert J. Reese
Robert J. Reese, LS 6208
09.04.2010
date

COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS
EXHIBIT B
UNION VALLEY PARKWAY
RIGHT OF WAY EASEMENT
APN 107-250-011
SEPTEMBER, 2010

EXHIBIT A

PARCEL ONE - ORCUTT ROAD RE-ALIGNMENT RIGHT OF WAY THROUGH 107-250-013

That portion of Parcel C of Parcel Map 11691, in the County of Santa Barbara, State of California, as shown on the map filed in Parcel Map Book 12, Page 57, in the Recorder's Office of said county, described as follows.

Beginning at POINT "C", the northeasterly corner of Parcel A of said Parcel Map;

thence the following courses:

South 01° 42' 06" West, 255.77 feet along the easterly line of Parcel A of said Parcel Map to POINT "D";

North 33° 54' 06" East, 55.32 feet;

North 22° 54' 57" East, 60.92 feet;

North 10° 56' 50" East, 116.98 feet;

North 48° 28' 49" East, 50.38 feet to POINT "N";

North 87° 07' 17" West, 107.06 feet to POINT "C", the POINT OF BEGINNING.

The above described PARCEL ONE contains 13201 square feet (0.303 acres) and is shown on Exhibit B, attached hereto and made a part hereof for informational purposes.

PARCEL TWO - ORCUTT ROAD RE-ALIGNMENT RIGHT OF WAY THROUGH 107-250-013

That portion of Parcel C of Parcel Map 11691, in the County of Santa Barbara, State of California, as shown on the map filed in Parcel Map Book 12, Page 57, in the Recorder's Office of said county, described as follows.

Beginning at a 1-1/2" iron pipe at the northwesterly corner of Parcel B of said Parcel Map which bears

North 1° 42' 06" East, 1496.38 feet (record North 0° 17' 46" East, 1496.86 feet) from a 1/2" iron pipe and nail at the southwesterly corner of Parcel A of said Parcel Map;

thence along the northerly line of said Parcel B, South 88° 27' 25" East, 5.00 feet more or less to the easterly line of a 60 feet wide right of way as described in the deed to the State of California, recorded December 15, 1916, in Deed Book 157, Page 83, of said County's Records;

thence South 88° 27' 25" East, 52.27 feet to POINT "F" that bears South 88° 27' 25" East, 57.27 feet from the said 1-1/2" iron pipe;

thence the following courses:

South 22° 31' 32" East, 12.93 feet;

South 37° 54' 49" East, 120.36 feet;

South 52° 57' 08" East, 72.98 feet;

South 63° 03' 08" East, 40.67 feet;

South 53° 52' 41" East, 46.93 feet;

South 41° 59' 16" East, 82.86 feet;

South 28° 25' 10" East, 16.76 feet to POINT "G" on the easterly line of Parcel B of said Parcel Map, the TRUE POINT OF BEGINNING;

thence the following courses:

South 01° 42' 06" West, 238.99 feet along the easterly line of Parcel B of said Parcel Map to POINT "H";

South 80° 30' 20" East, 115.26 feet to POINT "P";

North 44° 32' 00" West, 59.18 feet;

North 24° 31' 44" West, 27.94 feet;

North 11° 04' 15" West, 52.19 feet;

North 05° 10' 33" West, 50.48 feet;

North 19° 31' 34" West, 52.08 feet;

North 28° 25' 10" West, 45.17 feet to POINT "G", the TRUE POINT OF BEGINNING.

The above described PARCEL TWO contains 11491 square feet (0.264 acres) and is shown on Exhibit B, attached hereto and made a part hereof for informational purposes.

CONTINUED ON PAGE 2

EXHIBIT A

PARCEL THREE - UNION VALLEY PARKWAY RIGHT OF WAY THROUGH 107-250-013

That portion of Parcel C of Parcel Map 11691, in the County of Santa Barbara, State of California, as shown on the map filed in Parcel Map Book 12, Page 57, in the Recorder's Office of said county, described as follows.

Beginning at a 1-1/2" iron pipe at the northwesterly corner of Parcel B of Parcel Map 11691, as shown on Parcel Map Book 12, Page 57 of said County's Records, which bears North 1° 42' 06" East, 1496.38 feet (record North 0° 17' 46" East, 1496.86 feet) from a 1/2" iron pipe and nail at the southwesterly corner of Parcel A of said Parcel Map;

thence along the westerly line of said Parcel B, South 1° 42' 06" West, 580.83 feet to the southwesterly corner of Parcel B of said Parcel Map;

thence South 89° 47' 05" East, 5.00 feet more or less along the southerly line of Parcel B of said Parcel Map to the easterly line of a 60 feet wide right of way as described in the deed to the State of California, recorded December 15, 1916, in Deed Book 157, Page 83, of said County's Records, the TRUE POINT OF BEGINNING;

thence South 89° 47' 05" East, 335.11 feet along the southerly line of Parcel B of said Parcel Map to POINT "L" at the southeasterly corner of Parcel B of said Parcel Map;

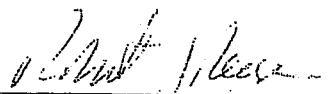
thence the following courses:

- North 01° 42' 06" East, 68.15 feet along the easterly line of Parcel B of said Parcel Map to POINT "H";
- South 80° 30' 20" East, 115.26 feet to POINT "P";
- South 87° 05' 25" East, 596.53 feet;
- North 83° 50' 19" East, 62.82 feet;
- South 86° 45' 25" East, 87.38 feet;
- South 63° 19' 54" East, 96.27 feet to POINT "Q" at the westerly terminus of the northerly line of the East-West Expressway in Lot 3, Tract 12414, Unit 1, as shown on the map recorded in Map Book 97, Page 57 et seq., in said County's Records;
- South 02° 04' 48" West, 145.58 feet along the easterly line of Parcel C of said Parcel Map to POINT "R" on the westerly line of Lot 229, Tract 12414, Unit 4, as shown on the map recorded in Map Book 123, Page 5, in said County's Records;
- North 68° 56' 43" West, 102.70 feet;
- North 87° 43' 10" West, 396.27 feet;
- South 87° 51' 17" West, 97.38 feet;
- North 87° 46' 32" West, 249.16 feet to POINT "N"
- North 87° 07' 17" West, 107.06 feet to POINT "C" at the northeasterly corner of Parcel A of said Parcel Map;
- North 89° 47' 05" West, 84.10 feet along the northerly line of Parcel A of said Parcel Map to POINT "B";
- North 80° 48' 58" West, 134.35 feet;
- North 84° 26' 37" West, 117.99 feet to POINT "S" on the easterly line of said 60' wide right of way;
- North 01° 42' 06" East, 72.10 feet along the easterly line of said 60' wide right of way to the TRUE POINT OF BEGINNING.

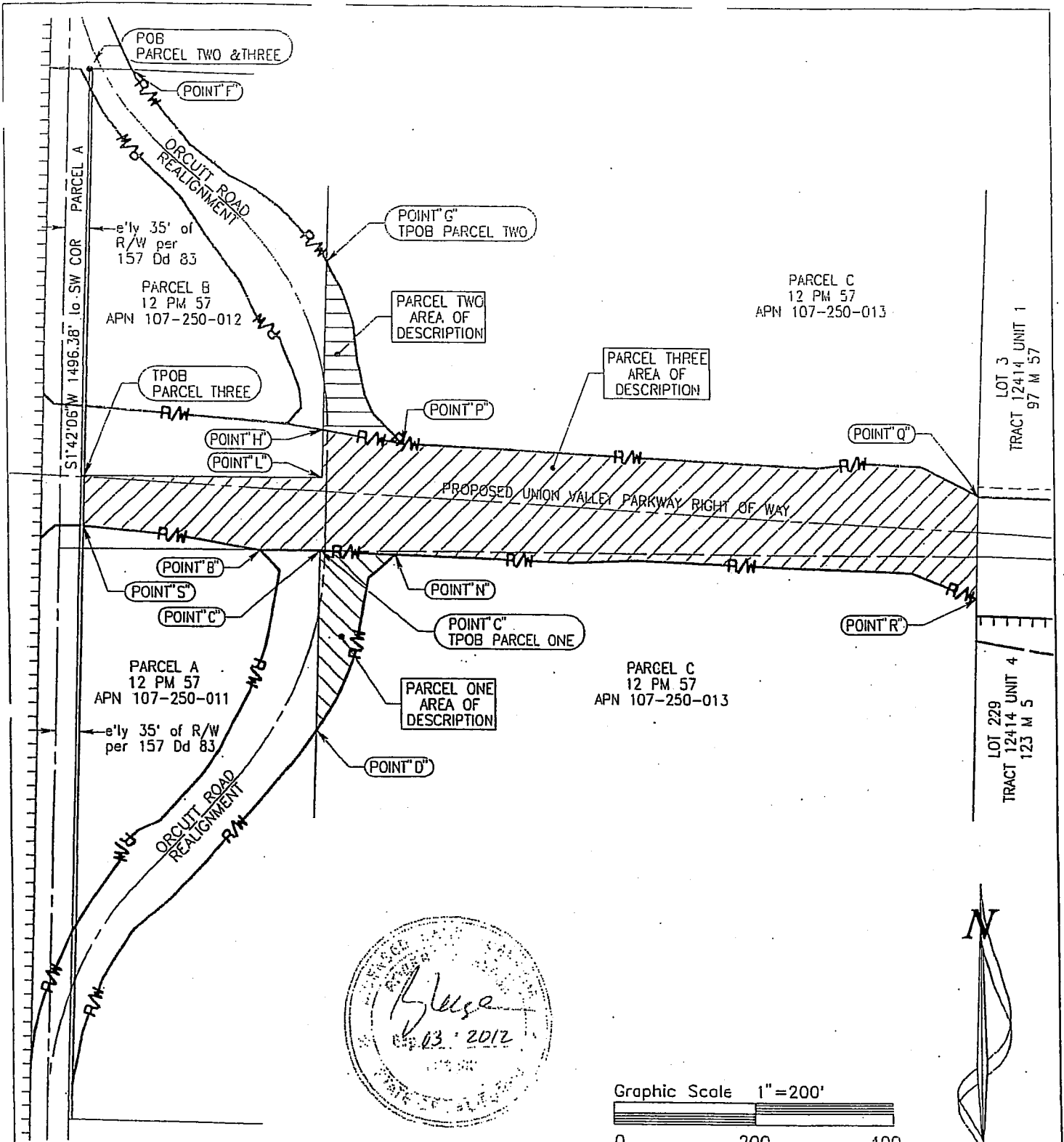
The above described PARCEL THREE contains 175374 square feet (4.026 acres) and is shown on Exhibit B, attached hereto and made a part hereof for informational purposes.



This description was prepared by me in conformance with the requirements of the Professional Land Surveyors Act.


Robert J. Reese, LS 6208

09.04.2010
date



This map was prepared by me in conformance with the requirements of the Professional Land Surveyors Act.

Robert J. Reese
 Robert J. Reese LS 6208 09.04.2010
 date

COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS

EXHIBIT B

UNION VALLEY PARKWAY
 RIGHT OF WAY EASEMENT
 APN 107-250-013
 SEPTEMBER, 2010

EXHIBIT A

PARCEL ONE - ORCUTT ROAD RE-ALIGNMENT RIGHT OF WAY THROUGH 107-250-012

That portion of Parcel B of Parcel Map 11691, in the County of Santa Barbara, State of California, as shown on the map filed in Parcel Map Book 12, Page 57, in the Recorder's Office of said county, described as follows.

Beginning at a 1-1/2" iron pipe at the northwesterly corner of Parcel B of Parcel Map 11691, as shown on Parcel Map Book 12, Page 57 of said County's Records, which bears North 1° 42' 06" East, 1496.38 feet (record North 0° 17' 46" East, 1496.86 feet) from a 1/2" iron pipe and nail at the southwesterly corner of Parcel A of said Parcel Map;

thence along the northerly line of said Parcel B, South 88° 27' 25" East, 5.00 feet more or less to the easterly line of a 60 feet wide right of way as described in the deed to the State of California, recorded December 15, 1916, in Deed Book 157, Page 83, of said County's Records, the TRUE POINT OF BEGINNING;

thence South 88° 27' 25" East, 52.27 feet along the northerly line of Parcel B of said Parcel Map to POINT "F" that bears South 88° 27' 25" East, 57.27 feet from the said 1-1/2" iron pipe;

thence the following courses:

South 22° 31' 32" East,	12.93	feet;
South 37° 54' 49" East,	120.36	feet;
South 52° 57' 08" East,	72.98	feet;
South 63° 03' 08" East,	40.67	feet;
South 53° 52' 41" East,	46.93	feet;
South 41° 59' 16" East,	82.86	feet;
South 28° 25' 10" East,	16.76	feet to POINT "G" on the easterly line of Parcel B of said Parcel Map;
South 01° 42' 06" West,	238.99	feet along the easterly line of Parcel B of said Parcel Map to POINT "H";
North 80° 30' 20" West,	51.24	feet to POINT "J";
North 41° 10' 11" East,	31.25	feet;
North 06° 53' 09" West,	28.50	feet;
North 20° 15' 47" West,	73.54	feet;
North 47° 49' 14" West,	43.14	feet;
North 26° 20' 49" West,	56.80	feet;
North 37° 13' 07" West,	87.62	feet;
North 33° 35' 45" West,	66.02	feet;
North 45° 33' 53" West,	89.50	feet;
North 34° 13' 44" West,	65.38	feet;
North 26° 45' 57" West,	32.54	feet to POINT "K" on the easterly line of said 60 feet wide right of way;
North 01° 42' 06" East,	33.95	feet along the easterly line of said 60 feet wide right of way to the TRUE POINT OF BEGINNING.

The above described PARCEL ONE contains 46289 square feet (1.063 acres) and is shown on Exhibit B, attached hereto and made a part hereof for informational purposes.

CONTINUED ON PAGE 2

EXHIBIT A

PARCEL TWO - UNION VALLEY PARKWAY RIGHT OF WAY THROUGH 107-250-012

That portion of Parcel B of Parcel Map 11691, in the County of Santa Barbara, State of California, as shown on the map filed in Parcel Map Book 12, Page 57, in the Recorder's Office of said county, described as follows.

Beginning at a 1-1/2" iron pipe and nail at the northwesterly corner of Parcel B of Parcel Map 11691, as shown on Parcel Map Book 12, Page 57 of said County's Records, which bears North 1° 42' 06" East, 1496.38 feet (record North 0° 17' 46" East, 1496.86 feet) from a 1/2" iron pipe and nail at the southwestery corner of Parcel A of said Parcel Map;
thence along the westerly line of said Parcel B, South 1° 42' 06" West, 580.83 feet;
thence South 89° 47' 05" East, 5.00 feet more or less to the easterly line of a 60 feet wide right of way as described in the deed to the State of California, recorded December 15, 1916, in Deed Book 157, Page 83, of said County's Records, the TRUE POINT OF BEGINNING;
thence South 89° 47' 05" East, 335.11 feet to POINT "L", the southeasterly corner of Parcel B of said Parcel Map;
thence the following courses

- North 1° 42' 06" East, 68.15 feet along the easterly line of Parcel B of said Parcel Map to POINT "H" on the easterly line of Parcel B of said Parcel Map;
- North 80° 30' 20" West, 51.24 feet to POINT "J";
- North 85° 18' 31" West, 284.61 feet to POINT "M" on the easterly line of said 60 feet wide right of way;
- South 1° 42' 06" West, 98.64 feet along the easterly line of said 60 feet wide right of way to the TRUE POINT OF BEGINNING.

The above described PARCEL TWO contains 28547 square feet (0.655 acres) and is shown on Exhibit B, attached hereto and made a part hereof for informational purposes.

This description was prepared by me in conformance with the requirements of the Professional Land Surveyors Act.



Robert J. Reese
Robert J. Reese, LS 6208

09.04.2010
date

S.R.135 (Orcutt Expressway)

1496.38' to SW COR PARCEL A

S1°42'06"W

POB
PARCEL ONE &
PARCEL TWO

APN 107-210-035

PARCEL ONE

POINT "F"

POINT "K"

PARCEL B
12 PM 57
APN 107-250-012

PARCEL C
12 PM 57
APN 107-250-013

PARCEL ONE
DESCRIPTION

PARCEL TWO
DESCRIPTION

POINT "M"

POINT "J"

POINT "G"

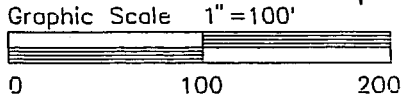
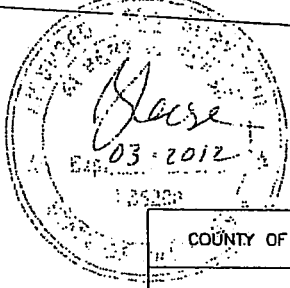
POINT "H"

TPOB
PARCEL TWO

PROPOSED UNION VALLEY PARKWAY

POINT "L"
RIGHT OF WAY

e'ly 35' R/W
per 157 Dd 83



This map was prepared by me in conformance with the requirements of the Professional Land Surveyors Act.

Robert J. Reese
Robert J. Reese, LS 6208

09.04.2010
date

COUNTY OF SANTA BARBARA DEPARTMENT OF PUBLIC WORKS

EXHIBIT B

UNION VALLEY PARKWAY
RIGHT OF WAY EASEMENT
APN 107-250-012
SEPTEMBER, 2010