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**COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS**

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RESOLUTION NUMBER _____ OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, IN ACCORDANCE WITH STREETS AND HIGHWAYS CODE SECTIONS 8330 et seq ("PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW").

ORDER TO VACATE PORTIONS OF FOXEN CANYON ROAD AND DOMINION ROAD, IN THE UNINCORPORATED AREA OF THE COUNTY OF SANTA BARBARA NEAR THE CITY OF SANTA MARIA;

WITH RESERVATIONS AND EXCEPTIONS AS DETAILED HEREIN.

WHEREAS, the County of Santa Barbara, a political subdivision of the State of California, (the "County") is the holder of fee and easement right of way interests for the public roadways known as Foxen Canyon Road and Dominion Road in the unincorporated area of the County of Santa Barbara, State of California. The fee interest was granted to the County via Deed recorded in Book 1706 page 268 and Deed recorded in Book 1882, page 656, both of Official Records; the County's easement interest was created via Map filed in Miscellaneous Map Book 5, Page 97 and by Deed recorded February 13, 1883 in Book 4 of Deeds on Page 10; and

WHEREAS, portions of the above referenced road interests are outside the County's improved and traveled roadway (herein the "Portion"), and the County has no plans to use or develop the Portion for public use: and

WHEREAS, in accordance with Section 892(a) of the California Streets and Highways Code it has been determined that the Portion is not useful as a nonmotorized transportation facility; and

WHEREAS, in accordance with Section 8330(b) the vacation shall not "land lock" any parcels or terminate any public service easements; and

WHEREAS, in accordance with Section 8331(a & b) of the California Streets and Highways Code the Portion has been impassable for vehicular travel for a period of five consecutive years and no public money was expended for maintenance on the Portion during that period; and

WHEREAS, in accordance with Section 8340(a) of the California Streets and Highways Code, the County had determined that the public convenience and necessity require the reservation and exception of easements and rights-of-way to construct, install, operate, maintain, replace, remove, and

renew sanitary sewers, storm drains and appurtenant structures, and for conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards; and

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 the easements and rights necessary for utility providers to maintain, operate, replace, remove, or renew any in-place and in use public utility facilities; and

WHEREAS, vacation of the Portion will not impair public or private access; and

WHEREAS, vacation of the Portion will not affect existing traffic circulation; and

WHEREAS, in accordance with Section 8341(a) of the California Streets and Highways Code, once the COUNTY makes a determination that the public convenience and necessity require reservations and exceptions from the vacation, such reservations and exceptions must be recited in the resolution of vacation; and

WHEREAS, vacation of the Portion is in the public interest, in that the County will be relieved of liability for the Portion if it is vacated.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, the Board of Supervisors of the County of Santa Barbara does hereby find, determine and order as follows:

1. That the above recitals are true and correct; and
2. That the portions of the Foxen Canyon Road and Dominion Road right-of-way being vacated are particularly described and shown on "Exhibit A" attached hereto and incorporated herein (the "Portion"); and
3. That the County interest in the Foxen Canyon Road right-of-way is hereby vacated pursuant to California Streets and Highways Code Sections 892(a), 8330(b), 8331(a & b), 8340(a & c), 8341(a), and
4. That subject to the reservation of rights defined in items number 5 and 6 below, the County interest in the Dominion Road right-of-way is hereby vacated pursuant to California Streets and Highways Code Sections 892(a), 8330(b), 8331(a & b), 8340(a & c), 8341(a); and
5. That in accordance with Section 8334.5 and 8340(c) of the California Streets and Highways Code, a permanent easement and right to maintain, operate, replace, remove and renew any in-place and in-use public utility facilities is hereby reserved and excepted from the vacation of the Dominion Road vacation area, as shown on "Exhibit A." It is hereby acknowledged that Verizon California (including its successors and assigns) has facilities in the Dominion Road vacation area; and

- 6. That in accordance with Section 8340(a) of the California Streets and Highways Code, the COUNTY, its successors and assigns shall have the continued right at any time, or from time to time, to construct, install, operate, maintain, replace, remove, and renew sanitary sewers, storm drains and appurtenant structures, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards within the Dominion Road vacation area, and the right to grant those rights to others; and
- 7. That this vacation does not impact or remove any public rights to the currently used and traveled Foxen Canyon Road or Dominion Road right-of-way; and
- 8. 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 Summary Order to Vacate; and
- 9. From and after the effective date, the vacated Portion no longer constitutes a street or public right-of-way.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

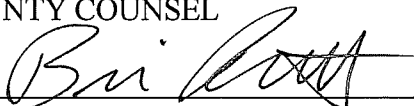
COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

By: _____
Steve Lavagnino
Chair Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
Brian Pettit
Deputy County Counsel

