

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: 11/17/05
Department Name: Public Works
Department No.: 054
Agenda Date: 12/6/05
Placement: Administrative
Estimate Time:
Continued Item: No
If Yes, date from:

TO: Santa Barbara County Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

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

SUBJECT: Hwy 101 Frontage Road Vacation at Easterly Terminus of Cedarhurst Dr., Orcutt
(Real Property Project No. R-151)
Fourth Supervisorial District

Recommendation(s):

That the Board of Supervisors:

- a) Adopt the attached Resolution of Order to Vacate with Maintenance Covenant (“Northerly Section”) of the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive in Orcutt.
- b) Execute the attached Quitclaim Deed and Maintenance Covenant conveying the Northerly Section of the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive from the County to Knollwood Properties, L.P.
- c) Adopt the attached Resolution of Order to Vacate with Reservation of Permanent Pedestrian and Bike Trail Easement (“Southerly Section”) of the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive in Orcutt.
- d) Execute the attached Quitclaim Deed with Reservation of Permanent Pedestrian and Bike Trail Easement conveying the Southerly Section of the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive from the County to David W. Palmerston, Robin M. Palmerston, and Herbert L. Merrell, Trustee Under Declaration of Trust Dated March 6, 1970 f.b.o. R. Scott Merrell Trust.
- e) Adopt the attached Resolution of Summary Order to Vacate a portion of easement right of way at the corner of Cedarhurst and the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

Executive Summary and Discussion:

The County of Santa Barbara (hereinafter "County") is the owner in fee absolute interest of the Highway 101 Frontage Road at the easterly terminus of Cedarhurst Drive, Orcutt (the "Road").

The Road is comprised of two sections. The northerly section (hereinafter the "Northerly Section") is adjacent primarily to Assessor's Parcel No. 107-490-001. This parcel is owned by Knollwood Properties, L.P. ("Buyer #1").

The County agreed to quitclaim to Michael Towbes free of charge part of the Northerly Section (the "Quitclaim Area") pursuant to that certain Agreement No. 78-47120 recorded October 10, 1978 in the Office of the County Recorder upon completion of the construction of Cedarhurst Drive by Michael Towbes. Michael Towbes has completed the construction of Cedarhurst Drive as contemplated in said agreement and is a party to Buyer #1.

Buyer #1 has petitioned the County to abandon the Northerly Section in connection with the Knollwood Meadows Apartment Project (hereinafter the "Project"). Buyer #1 desires to purchase the remaining area of the Northerly Section from County not encumbered by the Quitclaim Area.

The Northerly Section will be heavily encumbered by public utility easements. The sales price of the Northerly Section established by a value estimate of the roadway has been set at twenty-two thousand two hundred sixty-three dollars (\$22,263.00).

The southerly section of the Road (hereinafter the "Southerly Section") is adjacent primarily to Assessor's Parcel No. 107-240-025. This parcel is owned by David W. Palmerston and Robin M. Palmerston; and Herbert L. Merrell, Trustee under Declaration of Trust dated March 6, 1970 f.b.o. R. Scott Merrell Trust (hereinafter collectively referred to as "Buyer #2").

The Southerly Section is contemplated for sale to Buyer #2. The Southerly Section will be heavily encumbered by a pedestrian and bike trail easement and public utility easements. The total sales price of the Southerly Section established by a value estimate of the roadway has been set at twenty-six thousand eight hundred fifty-three dollars (\$26,853.00).

Additionally, there is a small piece of easement right of way at the intersection of Cedarhurst Drive and the Northerly Section that is proposed for vacation, as it will be occupied by private driveway improvements and not public street or sidewalk improvements.

At the Planning Commission hearing of February 9, 2005, the Planning Commission approved the Project, including the abandonment of the County's right-of-way.

Also at the Planning Commission hearing of February 9, 2005, the Planning Commission approved the Negative Declaration for the Project, and found the abandonment of the County's right-of-way to be in conformity with the County's Comprehensive Plan and the Orcutt Community Plan pursuant to Government Code Section 65402.

It has been determined by the County's Public Works Department that the Northerly Section is unnecessary for present or future public use as a county road and is no longer required by the traveling

public or the County due to the redevelopment of the Northerly Section and incorporation into the Project.

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 Northerly Section is not useful as a bicycle path or route. A portion of the Southerly Section has been determined to be useful as a bicycle path, and as part of the Project, a permanent easement for a public pedestrian and bike trail (hereinafter the "Trail") has been required over a portion of the Southerly Section.

The Trail shall be reserved for the benefit of the public and the County and shall survive the transfer of the Southerly Section to Buyer #2 in perpetuity in the form of an easement (rather than a fee simple interest).

On November 8th, 2005, the Board of Supervisors approved the Real Property Sales Contract and Escrow Instructions for the purpose of selling the Northerly Section to Buyer #1 and the Southerly portion to Buyer #2. Additionally, the contract provides for the protection of in-place and in-use public utilities owned by PG&E and Verizon through the conveyance of public utility easements in escrow in accordance with Section 8340(c) of the California Streets and Highways Code. The Real Property Section of the Surveyor's Division opened escrow at First American Title Company on Friday, November 18th; escrow is expected to close within sixty (60) days.

Also on November 8th, 2005, the Board of Supervisors adopted Resolutions 05-321 and 05-322, Resolution of Intent to Vacate the Northerly Section and Resolution of Intent to Vacate the Southerly Section respectively in order to provide for notice to the public of the County's proposed vacation of the Road.

At the same Board meeting, the Board set a hearing date of December 6th, 2005, on the Board's Administrative Agenda for members of the public to be heard on the matter of the County's proposed vacation of the Road. The Real Property Section of the Surveyor's Division published public notice of the Board's intention to vacate the Road in the Santa Barbara News-Press on Monday, November 21st and Monday, November 28th. Real Property also posted notice of the proposed vacation conspicuously along the portion of road to be vacated for two successive weeks prior to said hearing.

Adoption of the attached Orders to Vacate and Quitclaim Deeds sets the stage for the road vacation to be completed in accordance with the Planning Commissions approval of the project. The attached documents will be put into escrow, which will allow a lot line adjustment to take place merging the affected parcels appropriately. Upon completion of the lot line adjustment, all the documents will be recorded concurrently, escrow will close, and the road vacation will be complete.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

The County Road Fund will receive an influx of approximately forty-five thousand dollars (\$46,000) after escrow fees, debits and buyer credits are taken into account. Costs of the sale will be applied to

Dept. 054, Program 2100, Org Unit 0001, Account 7650, Activity 433. Revenue from the sale will be applied to Dept. 054, Program 2100, Org Unit 0001, Account 5918.

Special Instructions:

After Board action, distribute as follows:

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

The Real Property Section of the Surveyor's Division will deposit the original Orders to Vacate and Quitclaim Deeds in escrow. Upon close of escrow, Real Property will deliver the original Orders to Vacate and Quitclaim Deeds to the Office of the Clerk of the Board for its files. Real Property will keep copies of the recorded documents in its files as well.

Concurrence:

Transportation Division
Real Property – Surveyor's Division