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**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

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

Department Name: Public Works/Flood Control
Department No.: 054
For Agenda Of: October 9, 2018
Placement: Administrative
Estimated Time: N/A
Continued Item:
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Santa Barbara County Flood Control and Water Conservation District

FROM: Department Directors Scott McGolpin, Director of Public Works, 568-3010
Contact Info: Tom Fayram, Deputy Director – Water Resources, 568-3435

SUBJECT: Lakeview Promenade Flood Control Easement Vacate and Quitclaim, Fifth Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: No

Other Concurrence: Risk Management

Recommended Actions:

That the Board of Directors:

- a) Adopt the attached Resolution and Summary Order to Vacate (Attachment 1), which finds that the easement located on Assessor Parcel Number 111-100-008, in the City of Santa Maria, (Fifth Supervisorial District) is no longer necessary to be retained for flood control uses and purposes and authorizes its vacation; and
- b) Approve and authorize the Chair of the Board of Directors for the County of Santa Barbara Flood Control and Water Conservation District (“District”) to execute the Quitclaim Deed (Attachment 2) releasing the District’s interest in a portion of an easement for flood purposes across only that real property (APN 111-100-008) legally described in the Grant Deed

recorded December 16, 2013, as Instrument No. 2013 - 0078238, of the Official Records of the County of Santa Barbara; and

- c) Determine that there is no possibility that the recommended actions may have a significant effect on the environment and are therefore exempt from further review under the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15061(b)(3) and approve and direct staff to file and post the attached Notice of Exemption (Attachment 3) on that basis.

Summary Text:

This item is on the agenda in order to vacate and quitclaim an old Flood Control easement that is no longer needed by the District. Flood Control installed an underground pipeline across this property (Parcel 1) in another location under a different recorded easement, as shown on Attachment 4. This old easement is no longer in use or needed by the District.

The current owner of the underlying property, Element Christian Church, is in escrow to sell Assessor Parcel Number 111-100-008 ("Parcel 2"). The title research indicated that a portion of a pre-existing flood control easement across this parcel had not been cleared or relinquished by the District. Before the buyer, Mr. Vernon, closes escrow and completes the purchase of Parcel 2, he is requesting that this old flood control easement be removed from the property. Mr. Vernon is the owner of Assessor Parcel Number: 111-100-009, an adjacent parcel ("Parcel 1") with existing development. He has submitted a new development application to the City of Santa Maria (see description below) for development on Parcel 2, and requires a portion of the District's pre-existing easement be quitclaimed from Parcel 2 to provide an unencumbered parcel to develop.

California Government Code Section 65402 requires a determination as to the conformity of any property disposition with the applicable General Plan. Assessor Parcel Number 111-100-008 is located on the southeast corner of Autopark Drive and Mercury Drive, in the City of Santa Maria. This project is therefore within the jurisdiction of the City of Santa Maria. The property is zoned "General Commercial/ High Density Residential (C-2/R-3)". In accordance with Government Code Section 65402(b), the request was sent to the City of Santa Maria for the determination that the proposed disposal of the property is consistent with the City of Santa Maria's General Plan.

Background:

The original easement deed was granted to the District by the Santa Maria Airport in March 10, 1964. In July 1967, this property was released as excess property by the Santa Maria Airport, and sold to a private developer. The property was eventually sold to the Renfrow family. When the family developed the Ford Auto dealership, the new flood control pipeline was installed on Parcel 1 with a new recorded easement to Flood Control.

In the 1980's, two parcels maps were processed in the City of Santa Maria. Both maps were recorded with notations for the relocation of a pre-existing Flood Control Easement to the location where the actual flood control pipeline was installed. The first Parcel Map 5343 was recorded in 1983, and the

second Parcel Map 5467 was recorded in 1989. However, no legal document was recorded describing the relinquishment for the portion of the old flood control easement bisecting the property.

In 2007, the Lakeview Promenade project was submitted to the City of Santa Maria for over 100,000 square feet of commercial development and 250 apartment units. An Environmental Impact Report for the project was approved by the City of Santa Maria's Planning Commission, and the project received final approval by the City Council. Unfortunately, in 2008, the Great Recession hit, and the project was not built and the permits for that project expired.

In 2015, the city approved construction of a church on the undeveloped Parcel 2 (APN 111-100-008). The church subsequently decided to buy another existing church building and sell this parcel.

Development Description of Parcel 2:

In 2017, Mr. Brad Vernon agreed to purchase Parcel 2 from the church and put the property in escrow for development. The project consists of 146 one, two, and three-bedroom apartments, a community clubhouse and other onsite amenities, and approximately 10,000 square feet of office and retail commercial. This project is going through additional environmental review with the City of Santa Maria

Fiscal and Facilities Impacts:

This quitclaim action is at no cost to the District. There will be no fiscal or facilities impacts.

Special Instructions:

After District action, please distribute as follows:

1. Return the original Resolution and Summary Order to Vacate to General Services, Attn: J. Cleary, for recordation
2. Return the original Quitclaim Deed to General Services, Attn: J. Cleary, for recordation.
3. Forward a copy of the Minute Order to the Flood Control District office: Attn: Christina Lopez and to General Services/Real Property Division, Attn: J. Cleary

Note: Upon recordation, Real Property will return copies of the recorded Quitclaim Deed to the Clerk for file and reference.

Attachments:

1. Resolution and Summary Order to Vacate
2. Quitclaim Deed
3. CEQA Notice of Exemption
4. Sketch of Easement on APN 111-100-008