



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: General Services  
Department No.: 063  
For Agenda Of: June 16, 2009  
Placement: Administrative  
Estimated Time:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Bob Nisbet, Director (568-1011) *Robert Nisbet*  
Director(s) General Services Department  
Contact Info: Paddy Langlands, Asst. Director (568-3096)  
Support Services Division  
**SUBJECT:** Grant of Easement to Southern California Gas Company for New Cuyama  
Aquatics Complex (APN 149-040-003) Fifth Supervisorial District

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Recommended Actions:** That the Board of Supervisors:

- a) Approve the attached Notice of Exemption pursuant to the California Environmental Quality Act (CEQA) guidelines (Post); and
- b) Execute the attached Grant of Easement conveying an easement to the Southern California Gas Company on a portion of county property (APN 149-040-003) for the purpose of minor alteration to an existing natural gas pipeline that will provide service to the New Cuyama Aquatics Complex.

**Summary Text:**

The County is constructing a New Cuyama Aquatic Complex consisting of a swimming pool, pool equipment, restroom and shower facilities in New Cuyama.. With the Board of Supervisors approval, the construction has commenced and may be completed in July 2009. The New Cuyama Aquatic Complex will require utilities, one of which is Southern California Gas Company. The Grant of Easement to the Southern California Gas Company will allow a minor alteration to an existing natural gas pipeline that will provide service to the New Cuyama Aquatic Complex.

**Background:**

The County is the owner of property (APN 149-040-003) that is located at the most northeastern edge of New Cuyama. A portion of the county property will be developed with the New Cuyama Aquatic Complex. As part of the New Cuyama Aquatic Complex, various utilities are required for the planned structures. The Grant of Easement to the Southern California Gas Company will convey an easement that limits the uses and activities that are permitted in the easement area. The Board's execution of the Grant of Easement to Southern California Gas Company will convey the necessary property rights to Southern California Gas Company necessary for this minor alteration to an existing natural gas pipeline. The Grant of Easement will be recorded against the county property and filed in the Real Property Inventory for this county property.

**Fiscal and Facilities Impacts:**

There is no Fiscal or Facilities Impacts.

**Special Instructions:** After Board action, please distribute as follows:

- 1) Original Grant of Easement & Minute Order  
GS/Real Estate Services  
Attn: Scott Dickinson

**NOTE:** After execution of the Grant of Easement by the Chair of the Board, the Office of Real Estate Services will record the original executed Grant of Easement with exhibits. After recordation the original Easement Deed will be forwarded to Southern California Gas Company by the Clerk Recorder Office. A copy of the Grant of Easement will be delivered to the Clerk of the Board and the Office of Real Estate Services.

**Attachments:**

Grant of Easement

**Authored by:**

Scott Dickinson, SR/WA  
General Services Department  
Office of Real Estate Services

**NOTICE OF EXEMPTION**

**TO: Santa Barbara County Clerk of the Board of Supervisors**

**FROM: General Services Department, Support Services Division,  
Office of Real Estate Services  
(Lead Department/Division)**

Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970 (Pub. Res. Code Section 21000 et seq.), as defined in the State CEQA Guidelines and County Revised CEQA Guidelines.

**APN(s) 149-040-003**

**Project No. 8656**

**LOCATION: New Cuyama, CA**

**PROJECT TITLE: Cuyama Aquatics Complex**

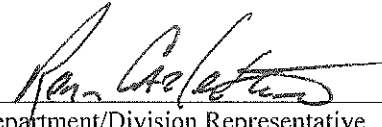
**PROJECT DESCRIPTION.** This project consists of minor alteration of existing natural gas pipeline. The improvements would involve enhancing the existing features to allow for service. Minor alteration of existing structures will be negligible.

**EXEMPT STATUS:(Check One)**

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect [Sec. 15061 (b,3)].

Cite specific CEQA Guideline Section 15301 Existing Facilities (b) – Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewage, or other public utility services.

Reasons to support exemption findings: The project is consists of a minor alteration of an existing structure and therefore is contemplated by the CEQA exemption under section 15301 (b). CEQA Guideline Section 15301 (b) Existing Facilities – "...consists of the operation, repair, maintenance,..... or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

  
 \_\_\_\_\_  
 Department/Division Representative

May 15, 2009  
 \_\_\_\_\_  
 Date

**NOTE:** A copy must be posted at least 6 days prior to consideration of the activity by the decision-makers to comply with County CEQA guidelines and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statue of limitations on legal challenges.

\_\_\_\_\_  
Date File of County Clerk



Recording Requested by and  
when recorded mail to:

Southern California Gas Company  
555 W. 5<sup>th</sup> St., ML GT 26C2  
Los Angeles, CA 90013-1011  
Attn.: Land & Right of Way

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Atlas #:	<u>B2-51-22</u>	<u>DOCUMENTARY TRANSFER TAX \$ CONVEYANCE OF EASEMENT (OIL AND GAS LEASE) AND CONSIDERATION &amp; VALUE IS LESS THAN \$100. R&amp;T 11911.</u>
APN:	<u>149-040-003</u>	_____ Computed on full value of property conveyed
W.R.#:	<u>1905152</u>	_____ Computed on full value less liens and encumbrances remaining at time of sale
R.W.	<u>256,953</u>	_____ Southern California Gas Company

### GRANT OF EASEMENT (RIGHT OF WAY)

COUNTY OF SANTA BARBARA, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, ("Grantor"), hereby grants to SOUTHERN CALIFORNIA GAS COMPANY, A CALIFORNIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, ("Grantee") a 15-foot wide non-exclusive easement to lay, construct, maintain, operate, repair, replace, patrol, change the size of, add to, or remove from time to time, as Grantee deems necessary, one or more pipelines and conduits, together with metering, measuring, regulating, cathodic protection, communications and other appurtenances (all hereinafter referred to as the "Facilities") for the transportation of gas, energy, communications, petroleum products and other substances (whether or not such substances are transported at any particular time), over, under, through, along, and together with the reasonable right of ingress and egress to and from the easement Facilities and the right to use Grantor's abutting property during construction of the Facilities, the land located in the County of Santa Barbara, State of California, described in Exhibit "A" and depicted in Exhibit "B" (together "The Easement") attached hereto, and made a part of this agreement.

Grantor, for its heirs, successors and assigns, agrees that, except as provided below, no change of grade of the Easement shall be made, that it shall not be inundated, that it shall be kept free of trees, deep-rooted shrubs, buildings and structures of all kinds (except for Grantee's Facilities), and that nothing shall be done to impair Grantee's vehicular access to or along the Easement.

Grantor reserves the right to (1) use any surface or subsurface areas, provided such use does not unreasonably or substantially interfere with Grantee's use of the Easement; (2) improve the Easement area surface with landscaping (except trees and deep-rooted shrubs), paved driveways, parking surfaces, sidewalks, curbs and gutters; provided, however, that before making any such improvements involving a change of grade, Grantor and its heirs, successors and assigns, shall notify the Grantee in advance.

This Easement shall be binding upon and inure to the benefit of successors, heirs, and assigns of Grantor and Grantee.

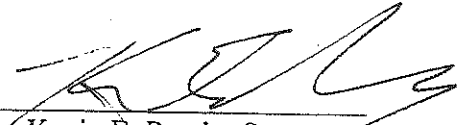
R.W. 256,953

APPROVED AS TO FORM:

DENNIS MARSHALL  
COUNTY COUNSEL

“GRANTOR”  
COUNTY OF SANTA BARBARA

By: \_\_\_\_\_

  
Kevin E. Ready, Sr.  
Deputy County Counsel

By: \_\_\_\_\_

Chair, Board of Supervisors

Date: \_\_\_\_\_

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, a Deputy Clerk, personally appeared  
Name of Clerk

\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature  
(Seal)

**EXHIBIT "A"**

**R.W. 256,953**

**The legal description of the easement area is as follows:**

That portion of Park "D" of the Townsite of New Cuyama, in the County of Santa Barbara, State of California, as shown on map filed September 18, 1950 in Book 15, Page 296, of Maps, in the Office of the County Recorder of said County, being a strip of land 15.00 feet in width, the westerly sideline of which is described as follows:

Beginning at the southwesterly corner of said Park "D", said corner being a point on the westerly line of Wasioja Street, as shown on said map, thence along the westerly line of said Park "D", North 11° 39' 38" East 200.00 feet.

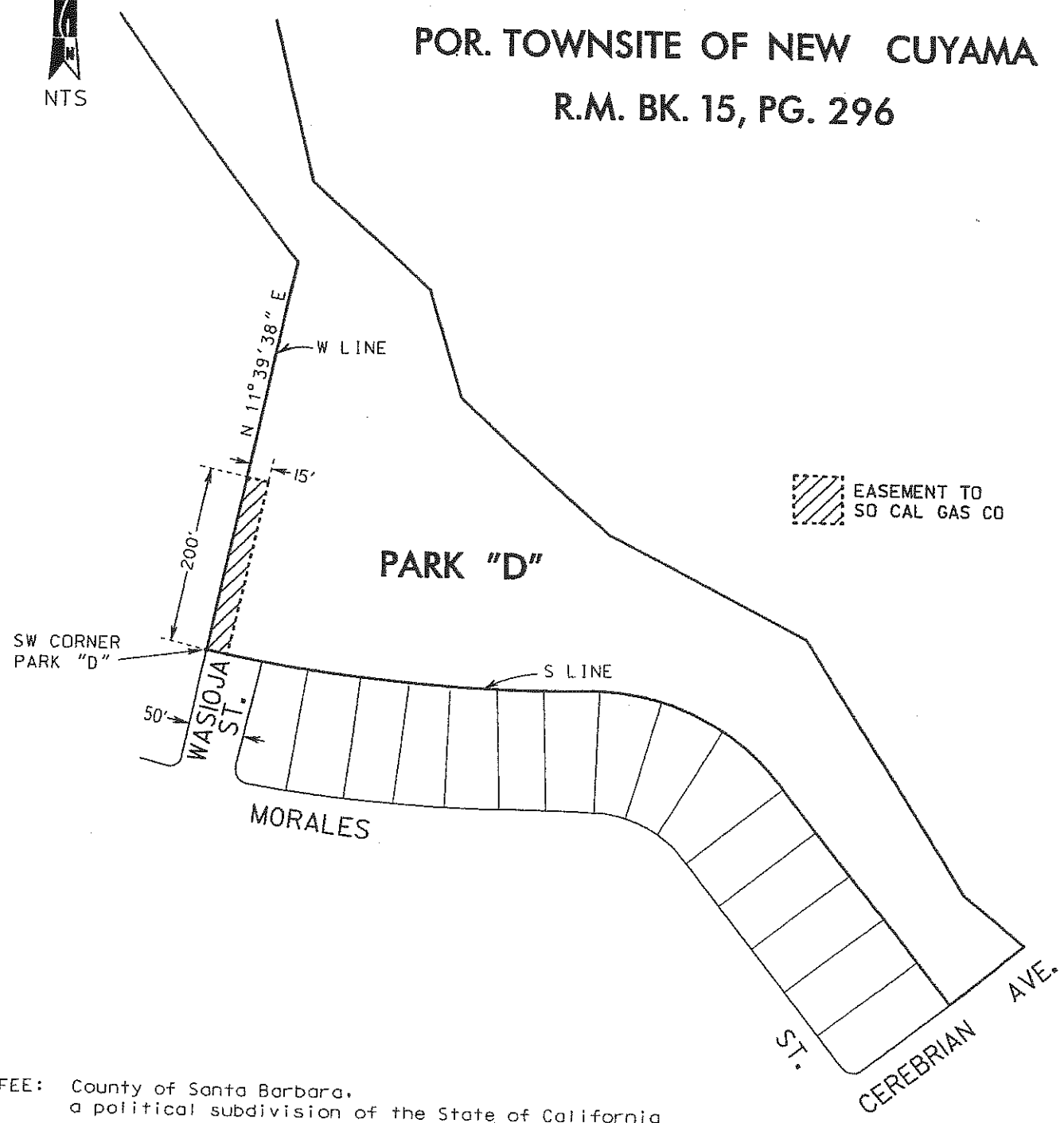
The sideline of said strip to be extended or shortened to terminate southerly in the southerly line of said Park "D".

And as shown on the plat attached hereto as Exhibit "B" and made a part hereof.

SECTION	TOWNSHIP	RANGE	B & M	EXHIBIT "B"	DRAWN BY: NAME/DATE	CHECKED BY: NAME/DA
17	10N	26W	S.B.		L. BROWN/2-2-09	



**POR. TOWNSITE OF NEW CUYAMA**  
**R.M. BK. 15, PG. 296**



256,953.s01 02-FEB-2009 11:08 fp3dlj 104.94:1

FEE: County of Santa Barbara,  
a political subdivision of the State of California



SOUTHERN CALIFORNIA GAS COMPANY		SCALE: NTS
PLAT TO ACCOMPANY LEGAL DESCRIPTION OF RIGHT OF WAY (15' IN WIDTH)		ATLAS #: B2-51-22
IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA		R/W #: 256,953
		W.O. #: 34449-016
		FILE: WR #1905152

APPROVED BY: *Larry Jacquery*