



**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
Department No.: 054
For Agenda Of: September 7, 2010
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Director Scott D. McGolpin, Public Works Department, 568-3010
Contact Info: Dacé Morgan, Deputy Director, Transportation, 568-3064
Michael Emmons, County Surveyor, 568-3034
SUBJECT: Vacation and Sale of a Portion of Clark Avenue, Orcutt; Fourth Supervisorial District

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 a Notice of Exemption regarding the vacation and sale of a portion of Clark Avenue, pursuant to California Environmental Quality Act (CEQA) guidelines, Section 15312 (POST) regarding the vacation, sale and grant of an unused portion of the Clark Avenue right-of-way adjacent to APN 103-750-038 in the unincorporated area of the County of Santa Barbara; and
- B) Approve and authorize the Chair to execute the related Resolution; Summary Order to Vacate, pursuant to California Street and Highway Code Sections 890 and 8330 Et. Seq; and
- C) Approve and authorize the Chair to execute the related Grant Deed Agreement with Reservations; and
- D) Direct the County Surveyor to record the Grant Deed concurrently with Tentative Parcel Map number 14,764 for the above referenced property; and
- E) Approve and authorize the removal of the vacated portion of Clark Avenue from the County's maintained road system, upon recordation of the above documents.

Summary Text:

The area proposed for vacation is an unused strip of Clark Avenue right-of-way, adjacent to Santa Barbara County Assessor Parcel number 103-750-038. The exhibits attached to the subject documents listed above describe and show the subject area (herein referred to as the “Portion”).

If consummated, the road vacation, sale, and Grant Deed will remove the Portion from the County road right-of-way, and transfer ownership to the adjacent parcel owner (APN 103-750-038). The transfer will remove the County’s liabilities associated with ownership of an interest in the Portion. The agreed upon purchase price for the Portion is \$43,920.00.

Background:

The owner of the parcel adjacent to the Portion requested that the County transfer ownership of the Portion. The Portion is outside the travel lanes on Clark Avenue, and disposal will have no impact on traffic circulation. The County does has no plans to expand its right-of-way infrastructure in the area. In addition, the Portion was overgrown with weeds and was a burden to County maintenance crews. Public Works Transportation, Flood Control, and Real Property representatives visited the Portion and have no objection to the proposed vacation and sale. No other County Departments objected to the proposed vacation. On June 30, 2010, the Planning Commission determined that the proposed vacation is in conformity with the County's adopted General Plan, and with applicable CEQA guidelines. The Department notified all public utility providers of the proposed vacation, and their rights to install, access, and maintain facilities within the Portion will be reserved from the right-of-way vacation, and from the Grant Deed. No Parcels will be “landlocked” if the vacation is consummated. Notice of the proposed actions by the Board of Supervisors was published and posted on the Portion.

The applicant and Real Property obtained comparable sales in the area of the Portion and agreed on the purchase price of \$43,920.00. The applicant submitted this amount to the Public Works Department.

Fiscal and Facilities Impacts:

Budgeted: Yes

Narrative:

The applicant paid for the County staff time that was required to facilitate this transaction. The purchase price of the Portion is (\$43,920.00), which Public Works deposited into Road Fund 0015. There are no Facilities impacts associated with the proposed actions.

Staffing Impacts:

Legal Positions

None

FTEs:

None

Special Instructions:

Clerk of the Board, please distribute as follows:

- | | | |
|----|--------------------------|---------------------------------|
| 1. | Original Order to Vacate | Public Works, Attn: Jeff Havlik |
| 2. | Copy of Order to Vacate | Clerk of the Board Files |
| 3. | Original Grant Deed | Public Works, Attn: Jeff Havlik |
| 4. | Copy of Grant Deed | Clerk of the Board Files |
| 5. | CEQA Notice of Exemption | Post as Required |
| 6. | Minute Order | Public Works, Attn: Jeff Havlik |

Note: After execution by the Board, Real Property will deliver the original Summary Order to Vacate and the Grant Deed Agreement with Reservations to the County Recorder's office for recordation. After recordation, the Clerk of the Board will receive the original documents for their file. Public Works will deliver copies to the applicant and appropriate Divisions within the County, and retain copies for their files.

Attachments:

CEQA: Notice of Exemption
Summary Order to Vacate
Grant Deed Agreement

Authored by:

Jeff Havlik, Real Property Agent, Public Works- Surveyors Division, 568-3073

cc:

Bret Stewart, Senior Development Engineering Manager, Public Works - Surveyors, 568-3041
John McGray, Road Maintenance Manager, Public Works, 568-3336