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COUNTY OF SANTA BARBARA
OFFICIAL BUSINESS

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RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

In The Matter of the Summary Vacation of a)
Portion of Clark Avenue, in the)
Unincorporated Area of Santa Barbara,) **STREETS AND HIGHWAYS**
located South of the City of Santa Maria) **CODE SECTION 8330 et seq.**

**SUMMARY ORDER TO VACATE
(PORTION OF A COUNTY RIGHT-OF-WAY)**

WHEREAS, the County of Santa Barbara, a political subdivision of the State of California, (the "County") acquired it's right-of-way interest for the public roadway known as Clark Avenue right-of-way (herein the "ROW") near Stillwell Road via Book 335 page 469 of Official Records in the Office of the County Recorder of the County of Santa Barbara; and

WHEREAS, a portion of the above referenced road interest located adjacent to Santa Barbara County Assessor Parcel number 103-750-038 is outside the improved and traveled roadway (herein the "Portion"), and the County has no plans to use or develop the Portion for public use; and

WHEREAS, the owners of the above referenced parcel 103-750-038 (herein the "Property") have petitioned the County to vacate the Portion so it can be combined with the Property; and

WHEREAS, in accordance with Section 8333(a) of the California Streets and Highways Code, for a period of five (5) consecutive years, the Portion has not been used for the purpose for which it was dedicated or acquired, and is therefore eligible for summary vacation; and

WHEREAS, in accordance with Section 8334(a) of the California Streets and Highways Code, the Public Works Department has determined that the Portion is excess right-of-way not

required for street or highway purposes, is unnecessary for present or prospective public use, and is therefore eligible for summary vacation; and

WHEREAS, pursuant to Streets and Highways Code sections 8334.5 it has been determined that there are no in-place public utility facilities in the Portion which will be affected by the vacation and therefore it is entitled to a Summary Vacation; and

WHEREAS, pursuant to Section 892(a) of the Streets and Highways Code the Santa Barbara County Public Works Department has determined that no part of the Portion is necessary for present or prospective public use as a nonmotorized transportation facility (as defined in Section 887 of the Streets and Highway Code); and

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

WHEREAS, vacation of the Portion will not affect existing or future traffic circulation; 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.

WHEREAS, the Board of Supervisors of Santa Barbara County deems it to be in the best interest of the public to declare that the Clark Avenue ROW Portion is in excess of the COUNTY'S present and foreseeable needs; and

NOW, THEREFORE, BE IT RESOLVED, 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 this Summary Order to Vacate is in compliance with, and made under authority granted in Streets and Highways Code of the State of California, 8330 et seq.; and
3. That the Portion of the Clark Avenue right-of-way being vacated is particularly described and shown on "Exhibit A" attached hereto; and
4. That the County interest in the Clark Avenue Portion and right-of-way is hereby summarily vacated pursuant to California Streets and Highways Code Sections 892 (a), 8333(a), 8334(a), and 8334.5; and
5. That this vacation shall not impact or remove any public rights to the currently used and traveled Clark Avenue right-of-way; and
6. That reserved from this vacation is the right of the County of Santa Barbara to install or allow others to install public utilities within the Clark Avenue Portion, except for areas which lie under building envelopes as shown in the final development plan for the Property as approved by the County decision maker; and

7. It is hereby acknowledged that Golden State Water Company, ("GSWC") currently has facilities within the Portion, and that GSWC, their successors and assigns shall continue to have the right to access, install, maintain, repair, operate, replace, renew or remove their facilities within the Portion. The location of the GSWC facilities is described and shown on "Exhibit B" attached hereto and incorporated herein; 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.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State
of California, this _____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

COUNTY OF SANTA BARBARA

By: _____
Deputy

By: _____
Chair, Board of Supervisors

Date: _____

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

By:  _____
Michael Ledbetter
Deputy County Counsel

Exhibit A
Legal Description
Road Abandonment

A portion of the Southeast quarter of the Southeast quarter of Section 12, Township 9 North, Range 34 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, and more particularly described as follows:

Beginning at a found 3-1/2" brass cap monument stamped "S.B. CO. ROAD COM." per map filed in Book 112, Page 38 of Records of Survey as filed in the office of the County Recorder of said County;

Thence South 00 degrees 00 minutes 14 seconds East, 63.35 feet along the East line of said Section 12 to true point of beginning;

Thence continuing South 00 degrees 00 minutes 14 seconds East, 69.48 feet, more or less, to the Northeasterly corner of Lot 38 of Tract No. 14,242 per map recorded in Book 180, Pages 88 through 93, inclusive, of Maps, in the office of said County Recorder;

Thence South 89 degrees 01 minutes 56 seconds West, 250.66 feet, more or less, to the Northwesterly corner of said Lot 38 on the Easterly line of Stillwell Road as shown on said map;

Thence North 14 degrees 41 minutes 59 seconds West, 14.62 feet to the beginning of a curve concave to the Southeast having a radius of 15.00 feet;

Thence Northerly and Easterly along said curve a distance of 23.71 feet through a central angle of 90 degrees 33 minutes 49 seconds;

Thence North 75 degrees 51 minutes 50 seconds East, 43.32 feet, parallel with and distant 42.00 feet Southerly of the centerline of Clark avenue as shown on the map of Tract 12,501 filed in Book 121, Pages 90 through 92, inclusive, of Maps, in the office of said County Recorder, to the beginning of a curve concave to the South having a radius of 96.07 feet;

Thence Easterly along said curve, 30.98 feet through a central angle of 18 degrees 28 minutes 26 seconds to a point of reverse curvature to a curve concave to the North having a radius of 107.07 feet (a radial line bears South 04 degrees 20 minutes 16 seconds West) and a central angle of 17 degrees 30 minutes 22 seconds;

Thence Easterly along said curve, a distance of 32.71 feet to a point of reverse curvature to a curve concave to the South having a radius of 1,477.50 feet (a radial line bears North 13 degrees 10 minutes 06 seconds West) and a central angle of 05 degrees 27 minutes 34 seconds;

Thence Easterly along said curve, a distance of 140.78 feet to the true point of beginning, containing 12,831 square feet, more or less.

EXHIBIT A

(See attached exhibit map made a part hereof)

Kenny L. Fargen 6-17-10
Kenny L. Fargen L.S. 4597 date
License expiration date: 9-30-11

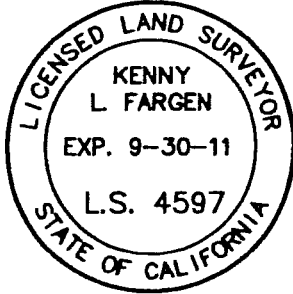
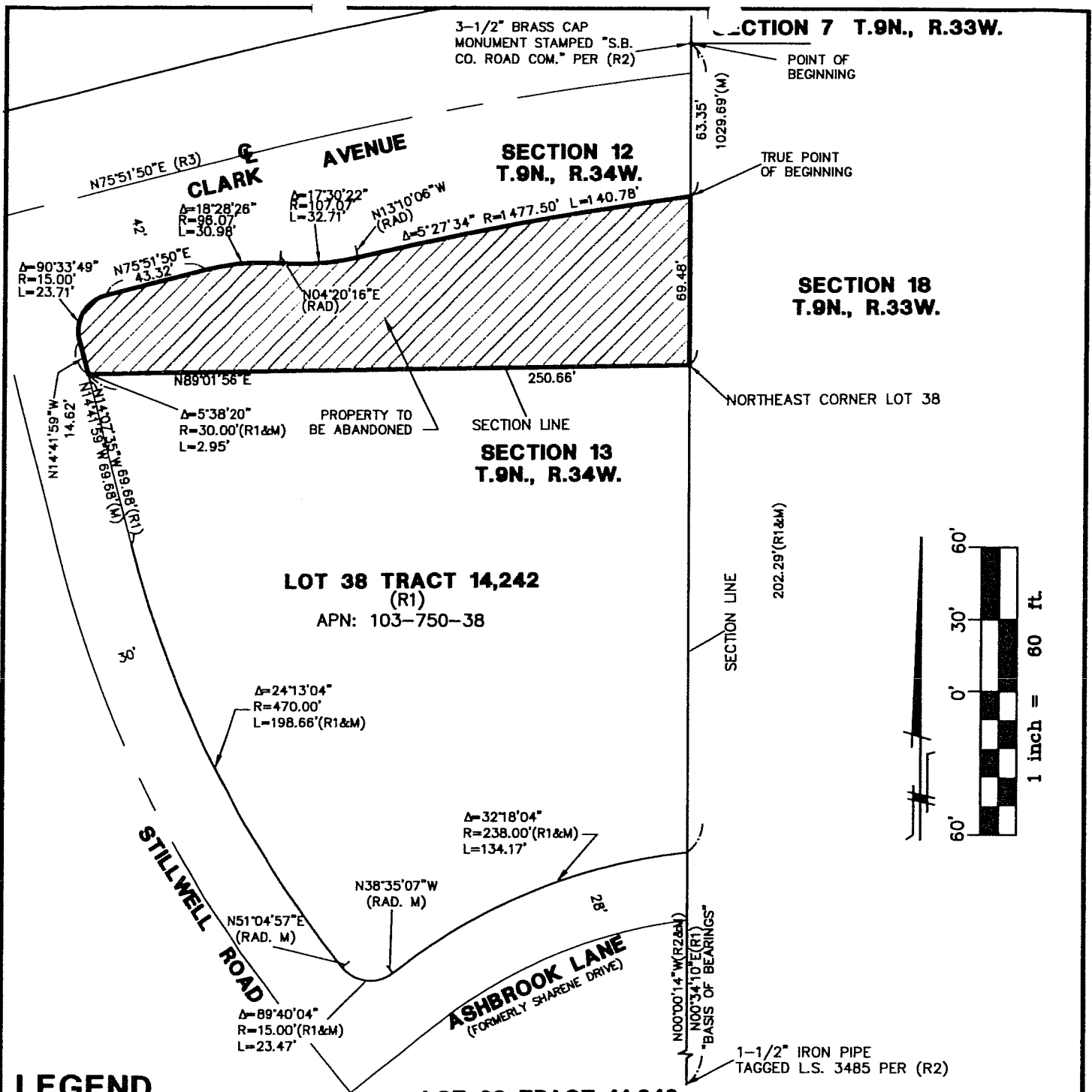


EXHIBIT A



LEGEND

- (M) DENOTES MEASURED DATA
- (R1) DENOTES RECORD DATA PER MAPS 180 - 88 TO 93
- (R2) DENOTES RECORD DATA PER RECORD OF SURVEY 112 - 38
- (R3) DENOTES RECORD DATA PER MAPS 121 - 90 TO 92
- (RAD) RADIAL BEARING

LOT 38 TRACT 14,242 (R1)



2624 AIRPARK DRIVE
SANTA MARIA, CA 93455
PHONE: 805-934-5727
FAX: 805-934-3448
DATE: MARCH, 2010

EXHIBIT B (revision2) .DWG

EXHIBIT MAP

A PORTION OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 34 WEST, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA.

SHEET 1 OF 1

EXHIBIT A