

Recording requested by and )  
to be returned to: )  
SANTA BARBARA COUNTY )  
GENERAL SERVICES DEPARTMENT )  
REAL PROPERTY DIVISION )  
WILL CALL )

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NO FEE PER GOVERNMENT CODE § 6103

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

IN THE MATTER OF THE PROPOSED )  
VACATION OF A PORTION OF A )  
COUNTY ROAD )

RESOLUTION NO. \_\_\_\_\_  
  
STREETS AND HIGHWAYS CODE  
SECTION 8320 et seq.

**ORDER TO VACATE  
A COUNTY ROAD  
(WITH RESERVATION OF EASEMENT FOR MONTECITO WATER DISTRICT)**

**NORTH-SOUTH SEGMENT OF  
MIRAMAR AVENUE, MONTECITO**

**WHEREAS**, the County of Santa Barbara (hereinafter "COUNTY") is the owner of that certain road property in the unincorporated area of the County of Santa Barbara, State of California, known as Miramar Avenue, Montecito (the "Road"), which Road was acquired in easement interest by COUNTY pursuant to that certain "Oceanside Subdivision" Tract Map recorded in Map Book 1, Page 29, of Maps and Surveys of the Office of the COUNTY Recorder; and

**WHEREAS**, the North-South segment of Miramar Avenue proposed for vacation (herein the "Portion") is located between COUNTY Assessor's Parcel Numbers 009-333-010 and 009-371-004 (herein the "Properties") and is legally described and shown on Exhibits "A" and "B" attached hereto and incorporated herein by this reference; and

**WHEREAS**, the owners of the Properties submitted an application to the COUNTY to vacate the Portion on May 2, 2007, as part of the Miramar Hotel and Bungalow Project (the "Project"); and

**WHEREAS**, the proposed right-of-way vacation would dispose of COUNTY road right-of-way by permanently removing the COUNTY's easement interest in the Portion so the applicant can incorporate the Portion into the Project; and

**WHEREAS**, the vacation of the Portion has been an integral part of the Project since its inception; and

**WHEREAS**, at its regular meeting of May 12, 2008, the COUNTY'S Planning Commission found the abandonment of the COUNTY'S right-of-way to be in conformity with the COUNTY'S Comprehensive Plan pursuant to Government Code Section 65402(a); and

**WHEREAS**, the Project was considered in the March 24, 2015 Addendum together with the previously certified Environmental Impact Report [08EIR-00000-00003], the previously adopted Mitigated Negative Declaration [00-ND-003] and the previous Addenda dated December 9, 2008, and March 11, 2011; and

**WHEREAS**, the Project and CEQA Findings received final approval by the COUNTY Board of Supervisors on April 14, 2015 (Clerk of the Board File # 15-00258); and

**WHEREAS**, New Condition of Approval No. 88, Special Condition DVP-1, found on Page 2-56 of the Conditions of Approval, which is found in "Attachment 2 – Updated Conditions" to the April 14, 2015, Board of Supervisors Agenda Letter requires that, "Prior to approval of the first follow-on Zoning Clearance for the Project, the abandonment of the North-South segment of Miramar Avenue and dedication of public access easements through the site (as shown on sheet A1.02b of the approved plans) shall be approved by the Board of Supervisors"; and

**WHEREAS**, therefore the General Services Department shall not finalize the vacation of the Portion by recording the final Order to Vacate until the developer has dedicated, and the COUNTY has accepted, said public access easements (hereinafter "Public Access Easements"; and

**WHEREAS**, the General Services Department shall record the Public Access Easements concurrently with the final Order to Vacate the Portion; and

**WHEREAS**, in accordance with Section 892(a) of the California Streets and Highways Code, the Portion was not found to be useful as a bicycle path or route when the Project and the CEQA Findings were considered and approved by the Board of Supervisors; and

**WHEREAS**, the Portion was not found to be necessary for present or future public use as a County road when the Project and the CEQA Findings were considered and approved by the Board of Supervisors; and

**WHEREAS**, no parcels will be landlocked if the vacation of the Portion is consummated; and

**WHEREAS**, in accordance with Section 8340(c) of the California Streets and Highways Code, the COUNTY is required to reserve and except from the vacation of the Portion an easement and right necessary to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use; and

**WHEREAS**, the Montecito Water District has in-place and in-use public utilities in the Portion, an easement for which shall be reserved and excepted from the vacation of the Portion.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Supervisors of COUNTY does hereby find, determine and order as follows:

1. That the above recitals are true and correct.
2. That the Portion, consisting of the North-South Segment of Miramar Avenue, legally described on Exhibit A and shown on Exhibit B attached hereto and incorporated herein by this reference, is hereby vacated as a County road pursuant to California Streets and Highways Code Section 8320 et seqq.
3. That the Portion is hereby removed from the COUNTY Road Maintenance System.
4. That in accordance with Section 8340(c) of the California Streets and Highways Code, an easement and right necessary to maintain, operate, replace, remove, or renew any in-place public utility facilities that are in use by the **Montecito Water District** is hereby reserved and excepted from the vacation of the Portion.
5. That the vacation of the Portion is contingent upon, and shall not be final, until the Project developer has dedicated, and the COUNTY has accepted and recorded, said Public Access Easements. The COUNTY shall record the Public Access Easements concurrently with the final Order to Vacate the Portion.
6. 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 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 \_\_\_\_\_, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

COUNTY OF SANTA BARBARA

ATTEST:  
MONA MIYASATO  
CLERK OF THE BOARD

\_\_\_\_\_  
JANET WOLF, CHAIR  
BOARD OF SUPERVISORS

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

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By:   
Steven Baugh, Esq.  
Deputy County Counsel



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**ROAD VACATION OF A PORTION OF MIRAMAR AVENUE**

Being those portions of the 40 foot wide street easement in the County of Santa Barbara, State of California, as shown on the map of Ocean Side Subdivision recorded in Book 1, Page 29 of Maps and Surveys, in the office of the County Recorder of said County, said portions lying within Parcels One, Two and Three as described in the Grant Deed to Miramar Acquisition Co., LLC, a California limited liability company recorded April 5, 2012 as Instrument No. 2012-0022150 of Official Records of said County, more particularly described as follows:

Miramar Avenue (formerly known as Ocean View Avenue), 40 feet wide as shown on said Ocean Side Subdivision and labeled "Street" and being bounded as follows:

On the north by the southerly line of South Jameson Lane, said line also being the southerly line of that certain relinquishment of State Highway recorded September 18, 1960 in Book 1778, Page 126 of Official Records of said County and;

On the south by the northerly line of Miramar Avenue, 40 feet wide, as same is also shown on said Ocean Side Subdivision map and labeled "Street", said northerly line also being the prolongation and intersection of the south lines of Lots 8 and 24 as same are shown on said Ocean Side Subdivision map

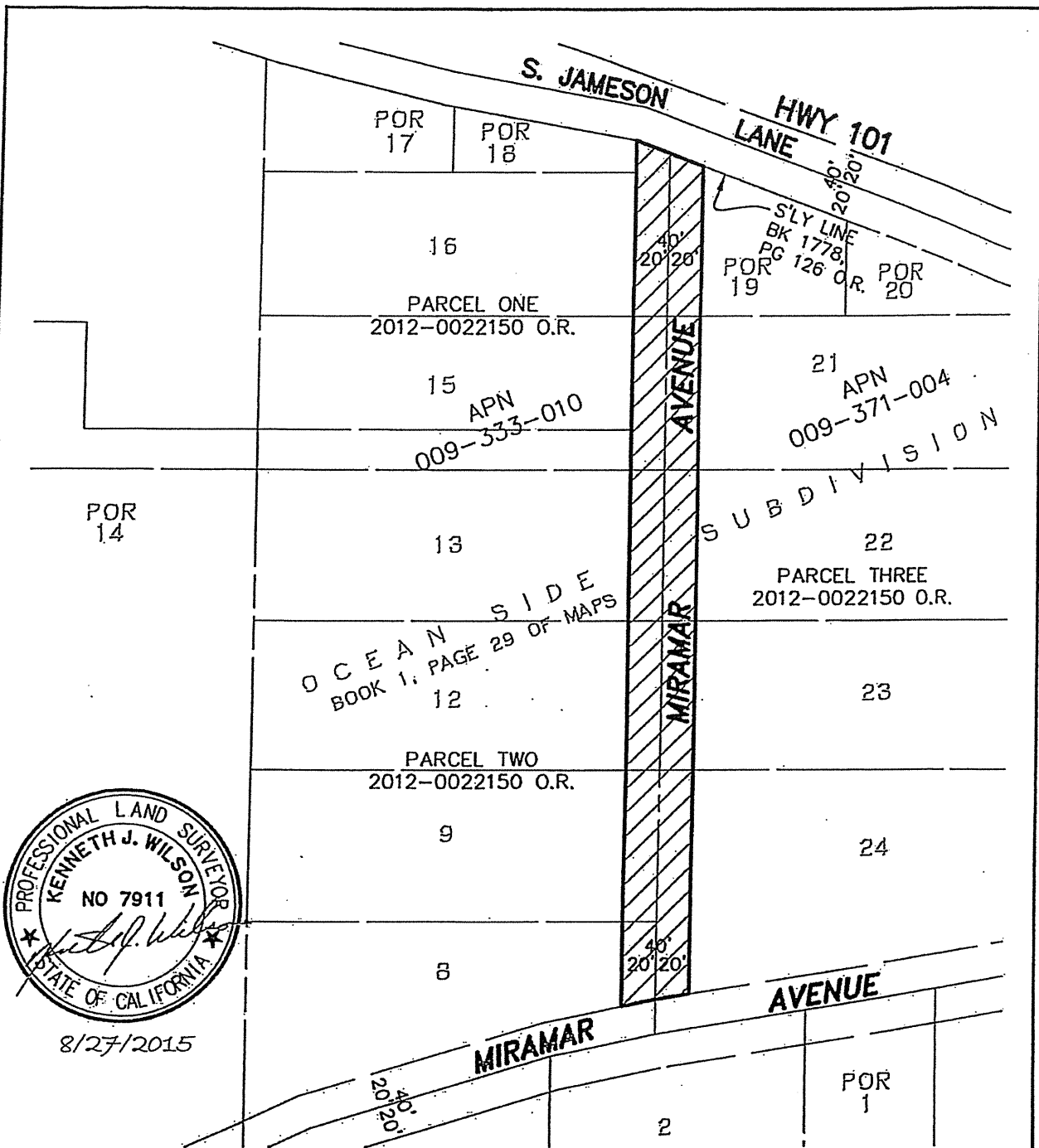
Containing 19,962 square feet or 0.458 acres, more or less.

Road Vacation of a portion of Miramar Avenue herein described is shown on the accompanying Exhibit B and made a part hereof for reference.

END OF DESCRIPTION.



8/27/2015

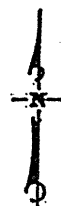


**Stantec**

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2064013079 DWG: MiramarAveVacation.dwg



SCALE: 1" = 80'

**EXHIBIT B**

**ROAD VACATION OF  
A PORTION OF MIRAMAR AVENUE  
COUNTY OF SANTA BARBARA  
STATE OF CALIFORNIA**

PLOT DATE: 8/26/2015