



**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 19, 2017
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Director: Scott D. McGolpin, Public Works Director, 568-3010
Contact Info: Chris Sneddon, Deputy Director of Transportation, 568-3064
SUBJECT: **Approve Real Property Exchange Agreement, Quitclaim Deed, Permanent Easement Deed, and First Amendment to 1955 Easement Agreement; for the Relocation of a Storm Drain Easement at 155 East Clark Avenue, Orcutt; (Fourth District)**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the attached original and duplicate original Exchange of Real Property Interest Agreement (Attachment 1) between the County of Santa Barbara ("COUNTY") and Teixeira Capital Partners, LLC ("OWNER"), for the relocation of the existing storm drain easement laying under and across County Assessor's Parcel Number ("APN") 105-073-008, at 155 E. Clark Ave, Orcutt ("Property");
- b) Approve and authorize the Chair to execute the attached Quitclaim Deed (Attachment 2) releasing and forever quitclaiming any and all right, title, and interest in the Existing Storm Drain Easement Area;
- c) Approve and authorize the Chair to execute the attached Certificate of Acceptance for the Easement Deed (Attachment 3), granting the County a permanent easement for that portion of the Property shown on Attachment 6 as the Relocated Storm Drain Easement Area;
- d) Approve and authorize the chair to execute the attached original and duplicate original First Amendment to Easement Agreement for 1955 Right of Way Grant (Orcutt Storm Drain Easement)

- a. (“First Amendment”) (Attachment 4) between the COUNTY and OWNER, for the correction of certain items on the Easement Agreement for 1955 Right of Way Grant (Orcutt Storm Drain Easement) and to relocate the Existing Storm Drain Easement Area from one portion of the Property to another; and
- e) Determine that the proposed action is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*, and 15302, *Replacement or Reconstruction*, and approve and direct staff to file and post the Notice of Exemption (Attachment 8) on that basis.

Summary Text:

This action is being presented to the Board in order to approve the COUNTY entering into an exchange of real property interest agreement with the OWNER. The COUNTY will vacate and quitclaim to the OWNER an existing storm drain easement area. The COUNTY will also accept from the OWNER an Easement Deed for a relocated storm drain easement area and amend the 2008 Easement Agreement for 1955 Right of Way Grant (Orcutt Storm Drain Easement) between the COUNTY and OWNER to reflect that new configuration and clarify that all costs for the relocation will be paid by the OWNER.

Background:

On June 24, 1955, the Right of Way Grant was recorded, granting to COUNTY an easement for drainage purposes on a portion of APN 105-073-008, (155 E. Clark Ave, Orcutt).

In 2008, Eric and Lisa Dias who were the owners of the property located at 155 East Clark Avenue in the town of Orcutt, entered into an agreement, the “Easement Agreement For 1955 Right of Way Grant (Orcutt Storm Drain Easement)”, with the COUNTY, which kept the existing storm drain easement area identified in the 1955 Right of Way Grant in its current location. The 2008 Agreement allowed construction to occur over the existing storm drain easement area, subject to certain terms and conditions. The Orcutt Storm Drain Easement was recorded on September 9, 2008, as Instrument Number 2008-0053036 in the Official Records of the County of Santa Barbara.

In 2015, Eric and Lisa Dias, by Grant Deed recorded June 3, 2015, as Instrument Number 2015-0028630, in the Official Records of the County of Santa Barbara, deeded 155 East Clark Avenue to Teixeira Capital Partners, LLC (the “OWNER”). The OWNER, after having purchased the property, prepared plans for construction of a new three story commercial building consisting of approximately 8,435 square feet. The plans have been submitted for review pursuant to COUNTY Land Use Permit Number 15LUP-00000-00244, Development Permit Number D0190087, approved by the North Board of Architectural Review (15BAR-00000-00055).

In order for the OWNER to proceed in constructing the new building, the existing storm drain pipe within the existing storm drain easement area, an area consisting of approximately 1,477 square feet (Attachment 5), will be relocated to a new location, in a different configuration, in the new parking lot

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north of the new building (Attachment 6). The OWNER, in connection with his development project, has prepared plans

to construct the relocated storm drain line and all appurtenant facilities within the Relocated Storm Drain Easement Area, which consists of approximately 1,050 square feet.

To facilitate relocation of the storm drain easement, an amendment to the Easement Agreement for 1955 Right of Way Grant (Orcutt Storm Drain Easement) must be amended. The First Amendment will allow the Right of Way Grant, recorded as Instrument Number 11224, in the Official Records of the County of Santa Barbara on June 24, 1955, in Book 1321, Pages 386 through 389, to permit the existing storm drain pipe to be relocated, pursuant to the Relocated Storm Drain Easement (Attachment 3). The Amendment will also replace Exhibit A, which shows the storm drain easement, with Attachment 7. Otherwise, the terms and conditions of the Orcutt Storm Drain Easement shall remain in full force.

California Government Code section 25365 authorizes the County to exchange real property of equal value where the real property to be exchanged is not needed for county use and the property to be acquired is required for County use provided that such exchange is approved by four-fifths (4/5) vote of the County's Board of Supervisors. Pursuant to the Exchange of Real Property Interest Agreement, the Existing Storm Drain Easement Area, shown on Attachment 5, consists of approximately 1,477 square feet, which is not needed for County use, is of approximately equal location and value as the Relocated Storm Drain Easement Area shown on Attachment 6, consisting of approximately 1,050 square feet, which is required for County use; and therefore represents an exchange of real properties of equal location and value.

Fiscal and Facilities Impacts:

None

Special Instructions:

After Board action, please distribute as follows:

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| 1. Original Exchange of Real Property Interest Agreement,
Copies of Quitclaim Deed and Easement Deed | Clerk of the Board Files |
| 2. Duplicate Original Exchange of Real Property Interest
Agreement, Quitclaim Deed, Certificate of Acceptance
for Easement Deed and Minute Order | Real Property Division
Attn: James Cleary |
| 3. Copies of documents and Minute Order | Auditor-Controller,
Financial Reporting Division,
Attn: Betsy Schaffer |

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

Attachments:

1. Exchange of Real Property Interest Agreement
2. Quitclaim Deed

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3. Certificate of Acceptance for Easement Deed (Grant of Easement for Stormwater Drainage Facilities)

4. First Amendment to Easement Agreement for 1955 Right of Way Grant
5. Sketch of Existing Storm Drain Easement Area
6. Sketch of Relocated Storm Drain Easement Area
7. Sketch of Relocated Storm Drain Easement Area with Building
8. Notice of Exemption

Author:

James Cleary, Real Property Project Manager